File No. P.W.D 52 L B.W. 65 - VOL II

MYSORE GOVERNMENT SECRETARIAT

Notes/Correspondence/Collection

Department P.W.D Section Special Irrigation

Subject :— Levy of Advance Betterment Contribution - Amendment to Irrigation act 1957

Earlier References :—

Later References :— PWD 4 LBW 74

(Classification A/B/C)

Notes Pages 11-1-50 - Cl

Correspondence Pages 102-1-149 - 252

P/Not for Section note Book

To be destroyed after

For Under Secretary to Government

11/9/71.

Irrig. Br 26/2/69 11/9/71

Subject: **File No.**

WD 01050—GPB—8,00,000 13-12-65

- 1 -

I would like to see the present position regarding the amendments to the Irrigation Act in regard to the Advance Betterment Contribution by the prospective beneficiaries.

Chandappa
26/2

D.S.(I)

- 2 -

A Bill further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 -- L.A. Bill 15 of 1968 was already introduced in the Assembly. But the same was not discussed for want of time. The File No.PWD 52 LBW 65 relating to the above has already been sent to the Law Department on 3-9-1968. Law Department may be requested to pursue the matter further as it is a very urgent and important nature.

26/2/69

(M. Channappa)
D.S., P.W.D. (Irrigation).

Secretary,PWD:

- 3 -

A request for undertaking the construction of Harangi Project has been received from the prospective beneficiaries of this project. The beneficiaries have offered to pay the better ~~ment~~ contribution in advance The Chief Minister desires that the bill that has already been prepared providing for collection of advance contribution should be introduced in the Assembly as early as possible and the bill passed. The Law Department is requested that this bill may be introduced during the current session itself so that the bill providing for payment of advance contribution would become ~~the~~ a law.

Chandappa
26/2

CHANDAPPA PATEL,
Secy. P.W. & Elecy. Depn.

Shri Papa Reddy
Law Secretary

T.278
25. FEB 1969
WORKS & L DEPTT.

26.2.69

1103
IDSD/69.
DS
Drafting 28/2

- 4 -

The Mysore Irrigation (Levy of Betterment contributions and water Rate) (Second Amendment) Bill, 1968 has been sent to the Legislative Assembly and published under rule 64 of the Rules of Procedure and conduct of Business in the L.A. The bill has not yet been introduced

and action for the same will be taken by addressing the Govt. Legislature.

But it may kindly be noted that while provision is made in the Bill for levy of advance contribution, as already indicated in the main file on the subject, the procedure for ~~the~~ levying such contribution being the same as for levy of contribution itself involving delay and even frustrating the very object and it is for consideration whether it is not necessary to provide for quicker procedure. The provisions in the Bill were on the lines of the provisions made in the Andhra Act.

The Andhra Act itself is proposed to be amended by Bill No 45 of 1968. Instead of following the same procedure as for levy of contribution, it is proposed that a scheme be published, inviting objections, and when not less than sixty six percent of owners of lands benefited by the proposed construction express willingness to pay advance contribution, the Govt shall be entitled to levy it at the rates proposed in the scheme and collect it in 4 instalments immediately after the commencement of the proposed work the

A

contribution under Section 3 will be determined and the advance paid will be adjusted towards it.

The procedure envisaged now by Andhra Pradesh is simpler providing for levy of advance contribution straight away when 66 percent of the benefited owners agree. This seems to achieve the object of levying advance contribution in a better manner

246/950 Having regard to the above the administrative dept may kindly consider whether further action may be taken with reference to the Bill as already published or whether provisions may not be amended as in Andhra enabling quicker and easier method of levy of advance contribution

Secy (I & A) MML
M. L. 21/3
Dy. Draftsman & Ex-Officio
Dy. Secy., Law Deptt.

The above position may be examined urgently

V. urgent

JS(I) Chand appr 22/3,

WD 01050—GPB—8,00,000 13-12-65

A Copy of the Andhra pradesh L.A Bill no 45 of 1968 is herewith forwarded for perusal.

28/3

D/S(P)

NOTE-5.

Notes in Paras 1-4 of the case note may please be perused., With reference to Sl.No.1 and 2 placed below. Law Dept. have pointed out the procedural difficulties involved in levying Advance Betterment Contribution (as provided in the Bill No.15 of 1968) of Mysore Govt. placed as Sl.No.1 below) and have desired to consider whether it is not necessary to provide for a simpler procedure based on the provisions made in Andhra Bill.

The L.A. Bill 45 of 1968 of Andhra Pradesh placed as Sl.No.2 below provides for levying of Advance Betterment Contribution both in respect of works proposed to be taken up and also in respect of incomplete irrigation works, the estimated cost of which is more than Rs.10 lakhs. The Advance Betterment Contribution is only an approximate amount and the same is proposed to be recovered when 66 per cent of the beneficiaries agree to pay that amount as advance contribution. The amount is adjustable when the Betterment Contribution is determined as per the Betterment Levy Act after the completion of the work. Based on the provision made in the bill of Andhra Pradesh a draft Bill is now prepared and placed as Sl.No.3 ~~may~~ which may be perused.

Law Dept. may be requested to take immediate action on the above as the same is to be brought before the Legislature in the present Session itself.

Jr Secy P. WD

Secy P. WD

28/3/69

- 6 -

As suggested by L.D & as per amendment to Andhra Advance Contribution Act the procedure has to be made simpler viz

(1) the amount of advance Contribution has to be fixed irrespective of the type of crop in the command area for rainy season. Any excess after completion of the work can be refunded if need be

M. G. S. | Subject: | File No.

WD 01050—GPB—8,00,000 18-12-65

(2) The first instalment of Contribution must be paid before the work is taken up and the maximum instalments may be "four" annual instalments of the "holdings"

(3) Any failure in payment of advance contribution must be recovered along with land revenue so that it may not be left unrecovered.

(4) If 66% of the beneficiaries agree, the levy in the remaining area must be made compulsory so that they are not left out from the levy of "advance contribution"

L.D. can be requested to take the above views also so that the bill is made simpler & effective for recovery and implementation.

28/2

PWD. 2773 Dated 31/3

Secy)
Shri M.L. Ramaswamy
D.S. Law Dept.

CM 3/2
CHIEF SECRETARY
Secy. P.W.D. Lloy. Dept.

V.V. ...

376/DSD
31-3-1965

— 7 —

A draft bill on the lines of the Andhra provisions (with suitable modifications in the light of the provisions of Act 28 of 1957

Subject: **File No.** LAW 24 LG(2)69 **M. G. S.**

and the suggestions made in Note 5) is prepared and placed at flag Z

In view of the urgency for the provision, the draft Bill will be placed before the Scrutinising Committee.

Specific provision regarding commencement of the work, whether after one fifth of the first instalment is paid by the willing 66 percent land holders or after such payment is made by all the land holders appears necessary. This may be considered at the meeting.

326/050

(Jt Secy) MMSL 1/4

Jt. Secy. L.D. (D) No 122 2/4/69

Mas 2/4/69

Law Secy)

2/4 66

1332

N 2.4.

Mas 2/4/69

Secy Scrutinising committee) MMSL 2/4

-8-

For favour of obtaining orders in regard to date and time for holding the meeting

Asst Legislative Adviser for Law, Legislative Dept) K. N. Gundappa 2/4/69

K. N. GUNDAPPA,
Asst. Legislative Adviser to Govt.
Law Dept. Govt. of Karnataka

M. G. S. | Subject: | File No.

LAW 24 LGN 69

-9-

The meeting may be convened in the Chambers of the Minister at 3 p.m on 30-6-1969

674/DSO - 30.6.69

for Law, Labour & Parliamentary Affairs
F 1494 28.6.69

A. A. Shirazee
Private Secretary to the Minister for Law, Labour & Parliamentary Affairs

Y/S
LD (Drafting)

-10-

Draft and joint motions are placed in the members file. May issue today evening

Copies of Bills

Issued
27/6/69

Dly 27/6/69
Sgd S.C

-11-

Issued No. LAW 24 LGN 69
dated 27/6/69

The file is sent up for submission to Minister for L, L & PA - meeting is fixed to take place at 3 p.m on Monday 30th June.

P.S. to Minister for L, L & PA)

K. N. Gundappa
28/6/69

K. N. GUNDAPPA,
Joint Secretary to the Ex-Officio Under Secy., Home Department

Scrutinised
30/6/69
(Minister for L. L & PA

Mas 19/6/69.

Subtract 5 pages 128 to 132 of the Bill No LAW 24 LGN 68 (PWDS 2 CB 1965) containing the provisions and explanation with regard to Agreement to Work (Labour and Work) (Amendment) Act 1968 is placed below Section 11 (1)

Dly 28/6/69

Min. for Law, Labour & Parliamentary Affairs
.....Date.28.6.69

Dly 30/6/69

(P.S to Minister)

The draft Bill as revised and approved by the Scrutinising committee is at flag Z (SL No 4).

The PWD may kindly take further action by annexing a statement of objects and Reasons and in accordance with the Rules of Business.

It may be noted that in the event of accepting the proposals contained in this Bill, the Kerala Irrigation (Levy of Betterment contribution and Water Rate) (Second Amendment) Bile, 1968 (copy at flag X) will have to be dropped.

174/950

Secy. PWD. No Date 2773/P2S/69

(for PWD) MKL 30/6

Jy 30/6

SPL Secy

24/7/69

Draft Notification is put up for approval.

28/7.

PWD (Spl. Irrgn). No - Date

Connect old file No. PWD 52 LBW 65 is also placed below..

Copy of statement of objects and reasons is placed at Sl. No. 6. as desired by L-D - at Note No. 12 Supra.

Submitted for perusal.

9/7. 4/9/69 DS) — 14 — 4/9/7

The draft Bill relating to Advance Betterment Contribution was discussed in the Scrutinising Committee under the Chairmanship of the Minister for Law and Parliamentary Affairs on 30-6-69. During discussion, the following suggestions were made for Consideration.

1) Whether it is desirable to exclude works costing less than Rs.10 lakhs from the perview of the Advance Betterment Contribution?

2) Whether it would not be desirable to levy water rate based on the period of supply rather than the crop to which water is ~~now~~ being supplied? and

3) Whether it is desirable to have different water rates in respect of irrigation works having an Ayacut of 100 acres and ~~below~~ and above 100 acres.

Out of the above 3 suggestions, only ~~the~~ Sl.No.1 refers to this bill, the other 2 relate to water rates.

In the present bill the levy of Advance betterment contribution is applicable for only works, the estimated cost of which exceeds Rs.10 lakhs. According to the Betterment Levy Act, betterment contribution cannot be levied in respect of ~~the~~ irrigation works not capable of irrigating more than 100 acres of land. Such being

WD 01050—GPB—8,00,000 13-12-65

...e case, the limit now fixed for levy of advance betterment contribution (works estimated, the cost of which exceeds ...10 lakhs) may have to be deleted from the draft Bill.

The other 2 suggestions may perhaps considered separately.

For perusal and orders.

9/7/69.
(J.Channappa),
...(I)
...dditional Secretary)

/ ... PWD
No. 2944 Date
10/7

— 15 —

At the meeting I emphasised the fact that the Scheme of Advance Better levy may prove more successful in the first instance for small, rather than large, works and therefore I suggested that, instead of limiting the proposed Act to works costing over Rs 10 lakhs, we may limit it to works providing irrigation to more than 100 acres (which means a limit of Rs one to 1½ lakhs in terms of money). If this is agreed to, the modification will be incorporated in the bill.

10/7/69
IFTEKHAR AHMED,
Addl. Secy., PW & E Depts

Secy PWD.
No 5511 Date 10.7.

Secy PWRE

C.M. — 16 —

13/7
(... PATIL)
... Minister.

CHANDAPPA PATEL.
Secy. P. W. & Elecy. Depts.

Chief Min.
No. 3351
10/7/69

Secy PWRE

MD 01020 GDB—8,00,000 18-12-68

—17—

W.r to para 12 of C/N. notes in paras 14 to 16 of C/N may please be perused. Necessary Corrections have been made in the draft bill as per para 15, and a Statement of objects and Reasons is also put up (Sl. No. 6). Law department may please take further action in the matter.

744/69
15-7-69

Sri. M.L. Ramaswamy
D.S. L.D.

15/7/69

—18—

Since the initiative in the matter of levy of advance betterment contribution has to be taken by Government there seems to be no objection to omit reference to the cost of the work. P.W.D. may kindly consider whether reference to capacity of the work is necessary at all and if necessary whether it may not be appropriate to refer to in terms of the irrigable command as has been done elsewhere in the Act.

Sri Channappa
D.S. P.W.D.

MML
17/7

—19—

Discussed with Sri. M.L. Ramaswamy. D.S. L.D. The provisions

now made is to enable Govt levy of Advance between Contribution in respect of Irrigation works Capable of irrigating more than 100 acres and it is the same as Irrigable Command, even though in the Technical Sense irrigable Command is more than the actual irrigable area or irrigated area, hence the Provision Suggested may be retained.

749/59
19-7-196

18/7/69

Sri. M.L. Ramaswamy
D.S. LD

-20-

clause 3 of the draft Bill at Sl No. 4 is suitably amended. BWA may kindly take further action according to Govt Rules of Business.

MS BWA
Sri Channappa

MML
8/8

11/8

-21-

Since the draft Bill with the modification as suggested in Note 15 is already approved by the Chief Minister

R. & I. SECTION
L. & A. DEPT.
No. 23951
Dt. 19 JUL 196
Sig. .....

M. G. S.	Subject:	File No.

Law Department may please take further action to place the bill before the Legislature.

16/8/69

847/219
18-8-1969

Sri. M.L. Ramaswamy
D.S. L.D

-22-

Approval of the cabinet will have to be obtained.

AS & WA
Srichandrappa

MML
1918

Pl put up a Cabinet note immediately

21/8/69

Dft. Cabinet note is put up.

Hem
23/8.

As per note 22 of C/N a draft Cabinet note along with a draft Amendment Bill moved at page 108 of C/F which may please be perused and approved.

6618/Proc/69

Chief Min
No. 4033
23/8/67

Secy P.W.D

Chief Minister

D.S. (Cabinet Section

23/8/69

V. Patil 24/8.

(VEERENDRA PATIL)
Chief Minister.

Seen by the Secy P.W.D. DS. Cabinet

Subject: 14 **File No.** **M. G. S.**

WD 01050—GPB—8,00,000 13-12-65

Secbn may please take action to place this subject before the next Cabinet meeting for consideration.

Sri. Syed Rafeen Ahmed
D.S. G.AD

25/8/69

25/8/69

C.379/69
25-8-1969

C.S.

25/8

CA

67157/PWS/69

May be recorded as 'B'

19/8

20/8

Received from CM's office
Min. for Labour & Parliamentary Affairs
No. F.285 Date.....

C 379/69

SECRET/ 1969. /NO.PWD 52 IBW 65/

CABINET NOTE.

Subject:- C.379/69.
The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Amendment Bill 1969 - Levy of Advance Betterment Contribution.

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1. The Cabinet at its meeting held on 8th April, 1968 took the following decisions:

a) The levy of Advance Contribution be made in respect of lands coming under irrigation projects, the estimated cost of which exceeds Rs.50/- lakhs;

b) The amount of Betterment Contribution or/Advance Betterment Contribution payable in respect of these lands shall not be more than Rs.500/- per acre; and

c) The mode of payment of Advance Contribution be the same as provided for under the Andhra Pradesh Irrigation Act.

2. The matter was further considered and in the Cabinet meeting held on 17th July, 1968, it was decided -

1) Advance Contribution may be levied in respect of lands coming under irrigation projects, the estimated cost of which exceeds Rs.10 lakhs;

In pursuance of the above, a draft bill to amend the Betterment Contribution and Water Rate Act was placed before the Legislature, but the same could not be considered during the last session. A draft bill was further considered by the Scrutinising Committee at its meeting held on 30th June, 1969. At this meeting, the question was raised whether it is desirable to exclude works costing less than Rs.10/- lakhs from the purview of the Advance Betterment Contribution Bill when, according to the Betterment Contribution and Water Rate Act, the Betterment Contribution is leviable in respect of all irrigation works capable of irrigating more than 100 acres of land. It was also brought out at that meeting that the scheme of Advance Contribution may succeed more in the case of small, rather than large works.

3. On consideration of the above suggestion it is now felt that Advance Betterment Contribution may be levied in respect of all irrigation works (both fresh and incomplete) capable of irrigating above 100 acres.

4. The draft Bill is now modified incorporating the above decision and is now placed for consideration of the Cabinet, as desired by the Law Department.

Iftekhar Ahmed 26/8/69

(IFTEKHAR AHMED),
Secretary to Government,
Public Works and Electricity Department.

26/8/69

tsv/-

SECRET/

ANNEXURE TO THE C.379/69.

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) ACT AMENDMENT BILL 1969.

A Bill further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

Whereas it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 (Mysore Act No.28 of 1957).

Be it enacted by the Mysore State Legislature in the twentieth year of the Republic of India as follows:-

1. Short title and commencement.- 1) The Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1969.

(2) It shall come into force at once.

2. Amendment of Section 2.- In Section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act),-

(1) clause (a) shall be re-lettered as clause (aa), and before clause (aa) as so re-lettered the following clause shall be inserted, namely:-

"(a)" advance contribution" means, the Advance Betterment Contribution referred to in Section 3 (A)";

(2) In clause (ba) the word and figure "and 4" shall be omitted.

3. Insertion of new Section 3 (A).- After Section 3 of the principal Act, the following section shall be inserted namely:-

3(A). Levy of Advance Betterment Contribution.- (1) Notwithstanding anything in this Act, where the Government having due regard to the relative priority of works and availability of funds, is of opinion that unless advance contribution as provided hereunder is paid by the land holders of all lands which are capable of being benefited by the completion of the contribution, expansion or alteration of a work it is not possible for it in the normal course.

(a) to commence and complete the construction, expansion or alteration of any work, which is capable of irrigating more than one hundred acres of land, or,

(b) to proceed towards the completion, with sufficient expedition, in respect of the uncompleted part or stage of the work, the construction, expansion or alteration of which the Government has already commenced and which is capable of irrigating more than one hundred acres of land.

It may publish a draft of a scheme for the commencement and completion of the construction, expansion or alteration of the work referred to in clause (a), or for the completion of the uncompleted part or stage of the work referred to in clause (b) in the Official Gazette and in such other manner as may be described.

Contd...2...

(2) The draft scheme referred to in sub-section (1) shall specify the lands under the irrigable command of the work which in the opinion of the Government are capable of being benefited by the completion of such work, the approximate amount of advance contribution payable per acre and such other particulars as may be prescribed and state that when the land holders of not less than sixty six per cent of such lands express - their willingness in writing within the time - specified therefor to make such advance contribution towards such work either in one lumpsum or in four equal annual instalments and when three-fifths of the first instalment of the advance contribution payable by the landholders of all such lands is paid towards such first instalment within the time specified therefor, the Government shall commence the execution of the work, or proceed towards the completion of the uncompleted part of stage of work, as the case may be, in pursuance of the scheme. There shall be published with the draft scheme a notice inviting objections or suggestions and specifying a date after which the draft scheme will be taken into consideration.

(3) The Government shall consider any objection or suggestion which may be received from any person with respect to the draft scheme on or before the date specified in the notice and finalise the scheme with or without modifications and publish the scheme as so finalised in the Official Gazette and in such other manner asmay be prescribed, together with a notice calling upon the landholders of all the lands specified in the scheme to express their willingness in writing to pay the advance contribution towards the work either in one lumpsum or in four equal annual instalments and to make the payment of the first instalment of the advance contribution within such time as may be specified therein.

(4) Where the landholders of not less than sixtysix per cent of the lands specified in the scheme express their willingness in writing to pay the advance contribution and where threefifths of the first instalment of the advance contribution payable by the landholders of all the lands specified in the scheme is paid towards the said first instalment within the time specified, therefore, the Government shall commence the execution of the work or proceed towards the completion of the uncompleted part or stage of the work, as the case may be, in pursuance of the scheme.

(5) Where the landholders of not less than sixtysix per cent of the land specified in the scheme have not expressed their willingness to pay the advance contribution and where the amount of contribution so paid is less than threefifths of the first instalment of the advance contribution, the Government shall not be bound to commence the execution of the work or to proceed towards the completion of the uncompleted part or stage of the work as the case may be, and the landholders who have paid any advance contribution shall be entitled to the refund of the amount so paid.

(6) Where the Government commences the execution of the work or proceeds towards the completion of the uncompleted part or stage of the work, as the case may be, as specified under sub-section (4), it shall be entitled to levy and collect the advance contribution from the landholders of all the lands specified in the scheme and

Contd...3...

and the Deputy Commissioner or any person authorised in this behalf shall, by an order, direct the landholders of the lands specified in the scheme who have failed to pay within the time specified therefor any instalment of advance contribution to pay it within such time as may be prescribed. Where any landholder pays in one lumpsum the entire advance contribution he shall be entitled to a rebate of ten percent calculated on such advance contribution.

(7) As soon as may be after the date of completion of such work the amount of contribution payable under section 3 by the holder in respect of any land specified in the scheme shall be determined in accordance with the provisions of this Act. The amount actually paid by such landholder towards the advance contribution payable by him under this section together with the amount allowed to him towards rebate under sub-section (6) shall be adjusted towards the amount of contribution as determined. If as a result of such adjustment any amount becomes due from the landholder to the Government or any amount becomes refundable to the landholder by the Government, such amount shall be recovered from him or refunded to him, as the case may be. Where the landholder of any land who has paid the advance contribution in respect of that land does not become liable to pay any contribution in respect thereof under section 3 the amount actually paid by him towards advance contribution shall be refunded to him with interest thereon at such rate as may be prescribed.

4. Amendment of section 7.- In Section 7 of the principal Act for the work "contribution" wherever it occurs the words "contribution or advance contribution" shall be substituted.

5. Amendment of section 9.- In section 9 of the Principal Act for the word "contribution" where it occurs the words "contribution or advance contribution" shall be substituted.

---:ooOoo:---

tsv/-

SECRET.

Extract from the Proceedings of the Thirtieth *Meeting of the Cabinet of Ministers held at Bangalore on* 27th August *19* 69

Subject: C.379/69

The Mysore Irrigation(Levy of Betterment Contribution and Water Rate)Amendment Bill, 1969 - Levy of Advance Betterment Contribution.

DECISION OF CABINET

Approved.

Sd/- Veerendra Patil,
Chief Minister
(27-8-1969)

Secretary,
P.W. & Elec. Dept. +

27/8/69

This may pl. be referred to L.D. for necessary further action.

28/8.

LD)

28/8

"EXTRACT"

(Syed Basheer Ahmed)
Deputy Secretary to Government, G.A.D.

N.B. A Copy of order issued on the Cabinet decision may kindly be sent to Cabinet Sectio
27/8/69
27/8 *for record.*

M. G. S.

Subject:

File No.

LAW 24 LGN 69

WD 01050—GPB—8,00,000 13-12-65

Draft and fair of the letter to Secy. Mys. Legislature forwarding the ~~proof~~ copies of the Bill is placed below for signature.

25.8.69

Law Secy) MNL 29/8

29.8

Issued
29/8/69

Dept. of Law and Parliamentary Affairs.

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Bill, 1969 has been introduced in the Legislative Assembly. The Bill is included in the List of Business of the Legislative Assembly for consideration and passing today.

Form of motion to be made for this purpose is placed below for submission to the Chief Minister.

"Flag I"

I — Secy 3/9 D.S. D.S. (CM) MNL 3/9

Chief Min.
No. 4273/69.
Dt. 3.9.69.

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) BILL, 1969.

The Member in charge of the Bill is the ~~Minister~~ ~~xxxx~~ Chief Minister.

The Bill has been introduced in the Legislative Assembly.

2. The next stage for the passage of the Bill is to move that the Bill be taken into consideration.

The form of motion to be made is as follows:-

"Sir, I move -

that theMysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Bill, 1969, be taken into consideration."

The motion is to be followed by a few remarks by the Minister.

3. After this motion has been carried, any Member may propose an amendment to the Bill.

4. After the Bill has been submitted to the House clause by clause and has been adopted without any amendment the Minister in charge of the Bill has to make the following motion:-

"Sir, I move -

that the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Bill, 1969, be passed."

5. If any amendment has been adopted by the House, the motion has to be in the following form:-

"Sir, I move -

that the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amenement) Bill, 1969 as amended, be passed."

Regd. No. B.G. 202.

The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

PART IV—2-A

BANGALORE, SATURDAY, AUGUST 30, 1969 (BHADRAPADA 8, SAKA ERA 1891) | No. 428

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

No. 4820—L. A., Bangalore-1, dated 29-30th August 1969.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Bill, 1969,** together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) BILL, 1969.

(L.A. BILL No. 35 OF 1969)

A Bill further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

WHEREAS it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957);

BE it enacted by the Mysore State Legislature in the Twentieth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1969.

(2) It shall come into force at once.

2. *Amendment of section* 2.—In section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act),—

(1) clause (*a*) shall be relettered as clause (*aa*), and before clause (*aa*) as so relettered, the following clause shall be inserted, namely :—

"(*a*) 'advance contribution' means, the advance betterment contribution referred to in section 3A;";

(2) in clause (*ba*), for the words and figures "sections 3 and 4", the word and figure "section 3" shall be substituted.

3. *Insertion of new section* 3A.—After section 3 of the principal Act, the following section shall be inserted, namely :—

"3A. *Levy of Advance Betterment Contribution.*—(1) Notwithstanding anything in this Act, where the

Government, having due regard to the relative priority of works and availability of funds, is of opinion that unless advance contribution as provided hereunder is paid by the landholders of all lands which are capable of being benefited by the completion of the construction, restoration, expansion or alteration of a work it is not possible for it,—

(*a*) to commence and complete the construction, restoration, expansion or alteration of any work which is capable of irrigating more than one hundred acres of land ; or

(*b*) to proceed towards the completion with sufficient expedition in respect of the uncompleted part or stage of the work, the construction, restoration, expansion or alteration of which the Government has already commenced and which is capable of irrigating more than one hundred acres of land,

it may publish a draft of a scheme for the commencement and completion of the construction, restoration, expansion or alteration of the work referred to in clause (*a*), or for the completion of the uncompleted part or stage of the work referred to in clause (*b*) as the case may be, in the official Gazette and in such other manner as may be prescribed and there shall be published with the draft scheme a notice inviting objections or suggestions and specifying a date after which the draft scheme will be taken into consideration.

(2) The draft scheme referred to in sub-section (1) shall specify the lands under the irrigable command of the work which in the opinion of the Government are capable of being benefited by the completion of such work, the approximate amount of advance contribution payable per acre and such other particulars as may be prescribed and state that when the landholders of not less than sixty-six per cent of such lands express their willingness in writing within the time specified therefor to make such advance contribution towards such work either in one lumpsum or in four equal

annual instalments and when three-fifths of the first instalment of the advance contribution payable by the landholders of all such lands is paid towards such first instalment within the time specified therefor, the Government will commence the execution of the work, or proceed towards the completion of the uncompleted part or stage of the work, as the case may be, in pursuance of the scheme.

(3) The Government shall consider any objection or suggestion which may be received from any person with respect to the draft scheme on or before the date specified in the notice and finalise the scheme with or without modifications and publish the scheme as so finalised in the official Gazette and in such other manner as may be prescribed, together with a notice calling upon the landholders of all the lands specified in the scheme to express their willingness in writing to pay the advance contribution towards the work either in one lumpsum or in four equal annual instalments and to make the payment of the first instalment of the advance contribution within such time as may be specified therein.

(4) Where the landholders of not less than sixty-six per cent of the lands specified in the scheme express their willingness in writing to pay the advance contribution and where three-fifths of the first instalment of the advance contribution payable by the landholders of all the lands specified in the scheme is paid towards the said first instalment within the time specified therefor, the Government shall commence the execution of the work or proceed towards the completion of the uncompleted part or stage of the work, as the case may be, in pursuance of the scheme.

(5) Where the landholders of not less than sixty-six per cent of the land specified in the scheme have not expressed their willingness to pay the advance contribution or where the amount of contribution so paid is less than three-fifths of the first instalment of the advance contribution, the Government shall not be bound to commence the execution of the work or to proceed towards the completion of the uncompleted part or stage of the work, as the case may

be, and where the Government decides not to commence the execution of the work or not to proceed towards the completion of the uncompleted part or stage of the work, as the case may be, the landholders who have paid any advance contribution shall be entitled to the refund of the amount so paid.

(6) Where the Government commences the execution of the work or proceeds towards the completion of the uncompleted part or stage of the work, as the case may be, as specified under sub-section (4), it shall be entitled to levy and collect the advance contribution from the landholders of the lands specified in the scheme and the Deputy Commissioner or any person authorised in this behalf shall, by an order, direct the landholders of the lands specified in the scheme who have failed to pay within the time specified therefor any instalment of advance contribution to pay it within such time as may be prescribed, and where any landholder pays in one lumpsum the entire advance contribution he shall be entitled to a rebate of ten per cent calculated on such advance contribution.

(7) As soon as may be after the date of completion of a work the amount of contribution payable under section 3 by the landholder in respect of any land specified in the scheme shall be determined in accordance with the provisions of this Act. The amount actually paid by such landholder towards the advance contribution payable by him under this section together with the amount allowed to him towards rebate under sub-section (6) shall be adjusted towards the amount of contribution as determined. If as a result of such adjustment any amount becomes due from the landholder to the Government or any amount becomes refundable to the landholder by the Government, such amount shall be recovered from him or refunded to him, as the case may be. Where the landholder of any land who has paid the advance contribution in respect of that land does not become liable to pay any contribution in respect thereof under section 3, the amount actually paid by him towards advance contribution shall be refunded to him with interest thereon at such rate as may be prescribed."

4. *Amendment of sections 7 and 9.*—In sections 7 and 9 of the principal Act, for the word " contribution ", wherever it occurs, the words " contribution or advance contribution " shall be substituted.

Statement of Objects and Reasons

Under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 there is provision for levy of betterment contribution and also for levy of water rate. It is considered necessary to provide for levy and recovery of advance betterment contribution in respect of irrigation works capable of irrigating more than one hundred acres of land, on the lines of the provisions made in the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955. This will enable Government to take up several irrigation projects and also develop large areas under irrigation.

Hence this Bill.

Memorandum regarding delegated legislation

Under new section 8A proposed to be inserted by clause 3 of the Bill, the Government is empowered to prescribe,—

(i) the other manner in which the draft of the scheme contemplated in sub-section (1) may be published;

(ii) the other particulars required to be specified under sub-section (2), in the draft scheme referred to in sub-section (1);

(iii) the other manner in which the scheme as finalised should be published as required by sub-section (3);

(iv) the time within which any instalment of advance contribution shall be payable as required by sub-section (5) by the landholders who have failed to pay the same within the time specified; and

(v) the rate of interest to be paid for the amount of advance contribution which has to be refunded as required by sub-section (7).

The proposed delegation of legislative power is of a normal character.

VEERENDRA PATIL.

TE. HANUMANTHAPPA,
Secretary.

ANNEXURE

EXTRACT FROM THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) ACT, 1957.

(MYSORE ACT 28 OF 1957.)

* * * * *

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) 'Deputy Commissioner' means the Deputy Commissioner of a District or such other officer not below the rank of an Assistant Commissioner as the Government may appoint to discharge the functions of the Deputy Commissioner under this Act;

* * * * * *

(*ba*) 'contribution' means the tax payable as betterment contribution under sections 3 and 4;

* * * * *

7. *Contribution recoverable as arrears of land revenue.*—Contribution payable under this Act in respect of any land shall be deemed to be a revenue demand due upon the said land; and the land, its products and the building (owned by the landholder) standing upon the land, shall be deemed to be the security for the contribution. When any instalment of the contribution payable in any year is not paid on the due date, the amount of the instalment shall be deemed to be an arrear of land revenue and the provisions of the law in force regulating the recovery of land revenue, shall apply to the recovery of the said arrear together with the interest due thereon, as it applies to the recovery of the land revenue due on that land.

* * * * *

9. *Right of reimbursement in respect of contribution.*—Where the landholder (not being in the South Kanara District, a walawaldar, a kayamgenidar, a permanent tenant or a mulgeni tenant) liable to pay conrtibution under this Act is not the owner of the land or is a co-owner of the land, nothing in this Act shall be deemed to affect this right to reimbursement from the owner or to recover proportionate part from the co-owner, as the case may be.

* * * * *

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(25)

GOVERNMENT OF MYSORE

No. LAW 24 LGN 69
Encl

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 29th August 1969

FROM

The *Secretary to the Government of Mysore,*
Department of Law and Parliamentary Affairs.

To

The Secretary,
Mysore Legislature Assembly.
Bangalore.

Subject:- The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Bill, 1969.

Sir,

I am directed to forward herewith three copies of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Bill, 1969, to be introduced in the Current session of the Mysore Legislative Assembly and to request that the Speaker may kindly be moved under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly to order the publication of the Bill together with the Statement of Objects and Reasons and the Memorandum regarding Delegated Legislation in the Mysore Gazette to enable the Members to study the Bill and send amendments, if any, in advance.

Yours faithfully,

(S.V. Papa Reddy)
Secretary to Government,
Dept. of Law & Parliamentary Affairs.

Copy to -

The Secretary to Government, Public Works and Electricity Department.

The Cabinet Section, General Administration Department

for information.

Issued
&
29/8/69

T.C. 26/8/69

MYSORE GOVT. SECRETARIAT No. C.379/69 Date 25 AUG 1969 G.A.D. (COUNCIL SECTION)

10

DRAFT CABINET NOTE

Sub:- The Mysore Irrigation (Levy of Betterment Contribution and Water rate) Amendment Bill 1969 - Levy of Advance Betterment Contribution

---

The Cabinet at its meeting held on 8-4-68 took the following decisions:

(Vide para 96 of VCLT)

a) The levy of Advance Contribution be made in respect of lands coming under irrigation projects the estimated cost of which exceeds Rs.50/- lakhs

b) The amount of Betterment Contribution ~~xxx~~ or Advance Betterment Contribution payable in respect of these lands shall not be more than Rs.500/- per acre; and

c) The mode of payment of Advance Contribution be the same as provided for under the Andhra Pradesh Irrigation Act.

The matter was further considered and in the Cabinet meeting held on 17-7-68, it was decided -

(Vide para 18(1)(iv) of VCLT)

1) Advance Contribution may be levied in respect of lands coming under irrigation projects, the estimated cost of which exceeds Rs.10 lakhs;

In pursuance of the above, a draft bill to amend the Betterment Contribution and Water Rate Act was placed before the Legislature, but the same could not be considered during the last session. A draft bill was further considered by the Scrutinising Committee at its meeting held on 30-6-69 ~~and desired to examine~~ ~~The following points were further considered:~~ At this meeting, it was the question was raised

Whether it is desirable to ~~xxx~~ ex include works

..p.t.o.

works costing less than Rs.10/- lakhs from the purview of the Advance Betterment Contribution Bill. ~~When~~, ~~Whereas~~ according to the Betterment Contribution and Water Rate Act, the Betterment Contribution is leviable in respect of ~~lands coming under~~ all irrigation works capable of irrigating more than 100 acres of land. It was also brought out at that meeting that the scheme of Advance contribution may succeed more in the case of small, rather than large works.

On further consideration of the above ~~aspect~~ suggestion ~~of the Constituent Committee~~ it ~~was decided~~ is now felt that Advance Betterment Contribution may be levied in respect of all irrigation works capable of irrigating (both perennial and seasonal) ~~having an ackcat of~~ above 100 acres.

~~Similarly~~, The draft Bill ~~was~~ is now modified incorporating the above decision and ~~A copy of the draft Bill is now finalised~~ is now placed ~~herewith enclosed~~ for consideration of the Cabinet, as desired by the Law Department.

M/8/65

DRAFT BILL

9

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) ACT AMENDMENT BILL 1969.

A Bill further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act ~~1957~~ 1957

Whereas it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 (Mysore Act No.28 of 1957).

Be it enacted by the Mysore State Legislature in the twentieth year of the Republic of India as follows:

1. Short title and commencement: - 1) The Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate)(Amendment) Act, 1969.

(2) It shall come into force at once.

2. Amendment of Section 2.- In Section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act),-

(1) clause (a) shall be re-lettered as clause (aa), and before clause (aa) as so re-lettered the following clause shall be inserted. namely:-

"(a)" advance contribution" means, the Advance Betterment Contribution referred to in Section 3(A)";

(2) In clause (ba) the word and figure "and 4" shall be omitted.

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3. Insertion of new Section 3(A). After Section 3 of the principal Act, the following section shall be inserted namely:-

3(A). Levy of Advance Betterment Contribution. (1) Notwithstanding anything in this Act, where the Government having due regard to the relative priority of works and availability of funds, is of opinion that unless advance contribution as provided hereunder is paid by the land holders of all lands - which are capable of being benefited by the completion of the contribution, expansion or alteration of a work it is not possible for it in the normal course.

(a) to commence and complete the construction, expansion or alteration of any work, which is capable of irrigating more than one hundred acres of land, or,

(b) to proceed towards the completion, with sufficient expedition, in respect of the uncompleted part or stage of the work, the construction, expansion or alteration of which the Government has already commenced and which is capable of irrigating more than one hundred acres of land.

It may publish a draft of a scheme for the commencement and completion of the construction, expansion or alteration of the work referred to in clause (a), or for the completion of the uncompleted part or stage of the work referred to in clause (b) in the Official Gazette and in such other manner as may be described.

Contd ...3

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(2) The draft scheme referred to in sub-section (1) shall specify the lands under the irrigable command of the work which in the opinion of the Government are capable of being benefited by the completion of such work, the approximate amount of advance contribution payable per acre and such other particulars as may be prescribed and state that when the land holders of not less than sixty six per cent of such lands express their willingness in writing within the time specified therefor to make such advance contribution towards such work either in one lumpsum or in four equal annual instalments and when three-fifths of the first instalment of the advance contribution payable by the landholders of all such lands is paid towards such first instalment within the time specified therefor, the Government shall commence the execution of the work, or proceed towards the completion of the uncompleted part of stage of work, as the case may be, in pursuance of the scheme. There shall be published with the draft scheme a notice inviting objections or suggestions and specifying a date after which the draft scheme will be taken into consideration.

(3) The Government shall consider any objection or suggestion which may be received from any person with respect to the draft scheme on or before the date specified in the notice and finalise the scheme with or without modifications and publish the scheme as so finalised in the Official Gazette and in such other manner as may be prescribed, together with a notice calling upon the land-holders of all the lands specified in the scheme to express their willingness in writing to pay the

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advance contribution towards the work either in one lumpsum or in four equal annual instalments and to make the payment of the first instalment of the advance contribution within such time as may be specified therein.

(4) Where the landholders of not less than sixtysix per cent of the lands specified in the scheme express their willingness in writing to pay the advance contribution and where threefifths of the first instalment of the advance contribution payable by the landholders of all the lands specified in the scheme is paid towards the said first instalment within the time specified, ~~therefore~~, Therefore the Government shall commence the execution of the work or proceed towards the completion of the uncompleted part or stage of the work, as the case may be, in pursuance of the scheme.

(5) Where the landholders of not less than sixtysix per cent of the land specified in the scheme have not expressed their willingness to pay the advance contribution and where the amount of contribution so paid is less than threefifths of the first instalment of the advance contribution, the Government shall not be bound to commence the execution of the work or to proceed towards the completion of the uncompleted part or stage of the work as the case may be, and the landholders who have paid any advance contribution shall be entitled to the refund of the amount so paid.

(6) Where the Government commences the execution of the work or proceeds towards the completion of the uncompleted part or stage of

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of the work, as the case may be, as specified under sub-section (4), it shall be entitled to levy and collect the advance contribution from the landholders of all the lands specified in the scheme and the Deputy Commissioner or any person authorised in this behalf shall, by an order, direct the landholders of the lands specified in the scheme who have failed to pay within the time specified therefor any instalment of advance contribution to pay it within such time as may be prescribed. Where any landholder pays in one lumpsum the entire advance contribution he shall be entitled to a rebate of ten percent calculated on such advance contribution.

(7) As soon as may be after the date of completion of such work the amount of contribution payable under section 3 by the holder in respect of any land specified in the scheme shall be determined in accordance with the provisions of this Act. The amount actually paid by such landholder towards the advance contribution payable by him under this section together with the amount allowed to him towards rebate under sub-section (6) shall be adjusted towards the amount of contribution as determined. If as a result of such adjustment any amount becomes due from the landholder to the Government or any amount becomes refundable to the landholder by the Government, such amount shall be recovered from him or refunded to him, as the case may be.

Where the landholder of any land who has paid the advance contribution in respect of that land does not become liable to pay any contribution in respect thereof under section 3 the amount actually paid by him towards advance contribution shall be refunded to him with interest thereon at such rate as may be prescribed.

4. Amendment of section 7: In section 7 of the principal Act for the work 'contribution' whereever it occurs the words 'contribution or advance contribution' shall be substitued.

5. Amendment of section 9: In section 9 of the Principal Act for the word 'contribution' wherever it occurs the words 'contribution or advance contribution' shall be substituted.

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THE MYSORE IRRIGATION (LEVY OF BETTERMENT) CONTRIBUTION AND WATER RATE) (AMENDMENT) BILL, 1969.

- - -

A Bill further to amend the Mysore Irrigati (Levy of Betterment Contribution and Water Rate) Act, 1957.

WHEREAS it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No-28 of 1957);

Be it enacted by the Mysore State Legislature in the Twentieth Year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1969.

(2) It shall come into force at once.

Draft Bill as revised and approved by Re-examining committee

MNR 3/6

2. Amendment of section 2.- In section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act), -

(1) clause (a) shall be re-lettered as clause (aa), and before clause (aa) as so re-lettered the following clause shall be inserted, namely:-

"(a) "advance contribution" means, the Advance Better Contribution referred to in section 3(A)";

(2) in clause (ba) the word and figure "and 4" shall be omitted.

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3. Insertion of new section 3(A). - After section 3 of the principal Act, the following section shall be inserted, namely:-

" 3(A). Levy of Advance Betterment Contribution (1) Notwithstanding anything in this Act, where the Government having due regard to the relative priority of works and availability of funds, is of opinion that unless advance contribution as provided hereunder is paid by the land holders of all lands which are capable of being benefited by the completion of the ~~contribution~~ construction, expansion or alteration of a work it is not possible for it in the normal course, -

(a) to commence and complete the construction, expansion or alteration of any work, ~~the estimated cost of which exceeds ten lakhs of rupees or,~~ which is capable of irrigating more than one hundred acres of land or,

(b) to proceed towards the completion, with sufficient expedition, in respect of the uncompleted part or stage of the work, the construction expansion or alteration of which the Government has already commenced and where the estimated cost of the completion of such uncompleted part or stage exceeds ten lakhs of rupees,

it may publish a draft of a scheme for the commencement and completion of the construction, expansion or alteration of the work referred to in clause (a), or for the completion of the uncompleted part or stage of the work referred to in clause (b) in the official Gazette and in such other manner as may be prescribed.

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(2) The draft scheme referred to in sub-section (1) shall specify the lands under the irrigable command of the work which in the opinion of the Government are capable of being benefited by the completion of such work, the approximate amount of advance contribution payable per acre and such other particulars as may be prescribed and state that when the land holders of not less than sixty six per cent of such lands express their willingness in writing within the time specified therefor to make such advance contribution towards such work either in in one lumpsum or in four equal annual instalments and when three-fifths of the first instalment of the advance contribution payable by the landholders of all such lands is paid towards such first instalment within the time specified therefor, the Government shall commence the execution of the work, or proceed towards the completion of the uncompleted part of stage of work, as the case may be, in pursuance of the scheme. There shall be published with the draft scheme a notice inviting objections or suggestions and specifying a date after which the draft scheme will be taken into consideration.

(3) The Government shall consider any objection or suggestion which may be received from any person with respect to the draft scheme on or before the date specified in the notice and finalise the scheme with or without modifications and publish the scheme as so finalised in the official Gazette and in such other manner as may be prescribed, together with a notice calling upon the land-holders of all the lands specified in the scheme to

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express their willingness in writing to pay the advance contribution towards the work either in one lumpsum or in four equal annual instalments and to make the payment of the first instalment of the advance contribution within such time as may be specified therein.

(4) Where the landholders of not less than sixtysix per cent of the lands specified in the scheme express their willingness in writing to pay the advance contribution and where threefifths of the first instalment of the advance contribution payable by the landholders of all the lands specified in the scheme is paid towards the said first instalment within the time specified, therefore, the Government shall commence the execution of the work or proceed towards the completion of the uncompleted part or stage of the work, as the case may be, in pursuance of the scheme.

(5) Where the landholders of not less than sixtysix per cent of the land specified in the scheme have not expressed their willingness to pay the advance contribution and where the amount of contribution so paid is less than threefifths of the first instalment of the advance contribution, the Government shall not be bound to commence the execution of the work or to proceed towards the completion of the uncompleted part or stage of the work asthe case may be, and the landholders who have paid any advance contribution shall be entitled to the refund of

Reg. No. B.G. 202

The Mysore Gazette

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(EXTRAORDINARY)

PART IV-2-A

BANGALORE, FRIDAY, AUGUST 30, 1968
(BHADRAPADA 8, SAKA ERA 1890) | No. 721

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

No. 4117/L. A., Bangalore, dated 30th August 1968.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of the Mysore Irrigation (Levy of Bettrment, Contribution and Water Rate (Second Amendment) Bill, 1968 together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE IRRICATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (SECOND AMENDMENT) BILL, 1968.

[L. A. BILL No. 15 OF 1968]

A Bill further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

WHEREAS it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act No. 28 of 1957);

BE it enacted by the Mysore State Legislature in the Nineteenth Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Second Amendment) Act, 1968.

(2) It shall come into force at once.

2. **Amendment of section 2.**—In section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act),—

(1) clause (a) shall be relettered as clause (*aa*) and before clause (aa), as so relettered, the following clause shall be inserted, namely:—

"(a) 'advance contribution' means the advance betterment contribution referred to in section 3A;"

(2) in clause (ba), the word and figure "and 4" shall be omitted.

3. **Insertion of new section 3A.**—After section 3 of the principal Act, the following section shall be inserted, namely:—

"3A. **Levy of advance contribution.**—(1) Notwithstanding anything in this Act, where the Government

has prepared a scheme for the construction, restorati n, expansion or alteration (by it) of any w rk, the estimated cost of which exceeds ten lakhs of rupees and has determined the lands under its irrigable command which, in its opinion, are capable of being benefited by the completion of such work, and where it proposes to implement the scheme on the payment of an advance contribution, as provided hereunder by the landholder of such lands, the Government may publish the scheme in the Official Gazette and in such other manner as may be prescribed; such scheme shall specify the lands under the irrigable command of the work which are so capable of being benefited, the approximate amount of advance contribution payable per acre and such other particulars as may be prescribed, and shall require the landholders of all such lands to express their willingness in writing within such time as may be prescribed, to make such advance contribution towards such works either in one lump-sum or in six equal annual instalments in the case of landholders holding not more than five acres of land and in the case of landholders holding more than five acres of such lands or holding any extent of lands paying water rate also, either in one lumpsum or in four equal annual instalments.

(2) Where the landholders of not less than sixty-six per cent of the lands referred to in sub-section (1) express their willingness in writing, the Government shall be entitled to levy and collect an advance contribution from the landholders of all the lands referred to in sub-section (1).

(3) Where three-fifths of the first instalment of the advance contribution payable by the landholders of all the lands referred to in sub-section (1) is paid towards such first instalment within the time specified therefor, the

Government shall commence the execution of the work. Where the amount so paid is less than three fifths of the first instalment of the advance contribution the Government shall not commence the execution of the work in pursuance of the scheme prepared under sub-section (1), but shall refund the amounts so paid to the landholders concerned. Where the Government commences the execution of the work, the Betterment Levy Officer shall, immediately after such commencement of the execution of such work, by an order direct the landholders of the lands referred to in sub-section (1) who have failed to pay within the time specified therefor any instalment of the advance contribution to pay it within such time as may be prescribed.

(4) As soon as may be after the date of completion of such works, the amount of contribution payable under section 3 by the landholder in respect of any land referred to in sub-section (1) of this section shall be determined in accordance with the provisions of this Act. The amount of advance contribution paid by such landholder under this section shall be adjusted towards the amount so determined. If as a result of such adjustment any amount becomes due from him to the Government or any amount becomes refundable to him by the Government such amount shall be recovered from him or refunded to him, as the case may be.

(5) For the purpose of levy of advance contribution the prescribed officer shall, by notification, specify the dates of commencement and completion of of the construction, restoration, expansion or alteration of any work.

4. **Substitution of new section for section 4.**—For section 4 of the principal Act, the following section shall be substituted, namely:—

"4. **Amount of Betterment Contribution and Advance Contribution.**—(1) The amount of contribution or advance contribution payable in respect of any land referred to in

section 3 or section 3-A shall be an amount equal to one-half of the difference between the market value of such land before the date of commencement of the construction, restoration, expansion or alteration of the irrigation work and the market value or the estimated market value after the date of completion of such construction, restoration, expansion or alteration:

Provided that the amount of contribution or advance contribution payable in respect of any land shall not be more than rupees five hundred per acre:

Provided further that no contribution or advance contribution shall be leviable in respect of any land :—

(i) which is unarable (khrab); or

(ii) benefited by the construction, restoration, expansion or alteration of a tank, well, reservoir, anicut, bundhara, pond, spring pond, kunta, talaparige or "madugu" which is not capable of irrigating more than one hundred acres of land:

Provided also that for purposes of this sub-section the increase or the estimated increase in the market value of the land consequent upon any improvement of the land made by the land holder shall be excluded.

(2) As soon as may be, after the publication of a notification under sub-section (2) of section 3 or under sub-section (1) of section 3-A, as the case may be, in respect of any irrigation work the Betterment Levy Officer shall prepare a statement showing the lands under the irrigable command of the irrigation work in respect of which the betterment contribution or the advance contribution in accordance with the provisions of sub-section (1) is payable and the nature and extent or irrigability of the different lands.

(3) The statement so prepared along with a public notice shall be published in the village chavadi and the taluk office and in such other manner as may be prescribed. Such notice shall require the land holders of lands under the irrigable command of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at the time and place therein mentioned (such time not being earlier than one month from the date of publication of the notice), and to state—

(a) their objections—

(i) to the inclusion of lands in the statements as lands under the irrigable command of the irrigation work;

(ii) to the inclusion of the lands in the statements as lands of any specified nature and extent of irrigability; and

(b) in respect of payment of betterment contribution or advance contribution, the basis on which they claim that the amount of betterment contribution or advance contribution has to be computed. Such statement shall be made in writing and signed by the party or his agent.

(4) The Betterment Levy Officer shall also serve notice to the same effect on the land holder of such land or his agent authorised to receive service on his behalf, who resides within the revenue district in which the land is situated. In case any land holder resides elsewhere and has no such agent, the notice shall be sent to him by registered post.

(5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner

provided by the Mysore Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order, specifying.—

(a) the increase in value of the lands by the completion of the construction, restoration, expansion or alteration of the irrigation work ;

(b) the amount of betterment contribution or advance contribution payable in respect of the said lands ; and

(c) the date from which such betterment contribution or advance contribution shall be payable.

(6) The Government or any person aggrieved by an order made under sub-section (5), may within sixty days from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge may pass such orders on the appeal as it may deem fit.

(7) Any order passed by the Court of Civil Judge on an appeal preferred to it under sub-section (6) and subject to the orders aforesaid of the Court of the Civil Judge the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not be liable to be questioned in any Court of Law".

5. **Amendment of sections 5, 7, 8 and 9.**—In sections 5, 7, 8 and 9 of the principal Act, after the word 'contribution' wherever it occurs, the words 'or advance contribution' shall be inserted.

Statement of Objects and Reasons.

The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 provides for the levy of Betterment Contribution and Water Rate in the State of Mysore. There is no provision for levy of advance contribution and its recovery. Such a provision exists in the Andhra Pradesh Irrigation Act. It is, therefore, considered desirable to provide such a provision in the Mysore Irrigation Act as well to enable levy of Advance Contribution. By this Levy, Government can take up several Major and Medium Projects in Cauvery and Krishna Valleys and can develope large areas under irrigation.

Memorandum regarding Delegated Legislation.

Clause 3 of the Bill empowers the Government to prescribe—

(i) the manner of publication of the Scheme (other than in the Official Gazette);

(ii) the particulars comprising the Scheme;

(iii) the time within which the landholders shall express their willingness in writing to make such advance contribution and the time within which the landholders referred to in sub-section (1) who have failed to pay within the time specified, have to make the payment; and

(iv) the officer who has to specify the dates of commencement and completion, expansion or restoration of work.

Clause 4 empowers the Government to prescribe the manner of publication (other than the village chavadi and the taluk office) of the statement of lands under the irrigablecomm and of the irrigation work in respect of which the betterment contribution are the advance contribution is payable.

The proposed delegation of legislative power is necessary for the implementation of the Act and is of normal character.

VEERENDRA PATIL.

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Te. HANUMANTHAPPA,
Secretary.

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ANNEXURE

Extract from the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) 'Deputy Commissioner' means the Deputy Commissioner of a District or such other Officer not below the rank of an Assistant Commissioner as the Government may appoint to discharge the functions of the Deputy Commissioner under this Act:

(*ba*) 'Contribution' means the tax payable as betterment contribution under sections 3 and 4;

4. Amount of betterment contribution.—(1) The amount of betterment contribution payable in respect of any land referred to in section 3 shall be an amount equal to one half of the difference between the market value of such land before the date of commencement of the construction, restoration, expansion or alteration of the irrigation work and the market value after the date of completion such construction, restoration, expansion or alteration :

Provided that the amount of betterment contribution payable in respect of any land shall not be more than three hundred rupees per acre :

Provided further that no betterment contribution shall be leviable in respect of any land,—

(i) which is unarable (Kharab); or

(ii) benefited by the construction, restoration, expansion or alteration of a tank, well, reservoir, anicut, bandhara, pond, spring pond, kunta, talaparige or madugu,

which is not capable of irrigating more than one hundred acres of land :

Provided also that for purposes of this sub-section, the increase in the market value of the land consequent upon any improvement of the land made by the landholder shall be excluded.

(2) As soon as may be, after the publication of a notification under sub-section (2) of section 3 in respect of any irrigation work, the Betterment Levy Officer shall prepare a statement showing the lands under the irrigable command of the irrigation work in respect of which the betterment contribution in accordance with the provisions of sub-section (1) is payable, and the nature and extent of irrigability of the different lands.

(3) The statement so prepared along with a public notice shall be published in the village chavadi and the taluk office and in such other manner as may be prescribed. Such notice shall require the landholders of lands under the irrigable command of the irrigation work to appear before the Betterment Levy Officer either personally or by agent at a time and place therein mentioned (such time not being earlier than one month from the date of publication of the notice), and to state—

(a) their objections,—

(i) to the inclusion of the lands in the statement as lands under the irrigable command of the irrigation work;

(ii) to the inclusion of the lands in the statement as lands of any specified nature and extent of irrigability; and

(b) in respect of payment of betterment contributions, the basis on which they claim that the amount of betterment contribution has to be computed.

such statement shall be made in writing and signed by the party or his agent.

(4) The Betterment Levy Officer shall also serve notice to the same effect on the landholder of such land or his agent authorised to receive service on his behalf, who resides within the revenue district in which the land is situated. In case any landholder resides elsewhere and has no such agent, the notice shall be sent to him by registered post.

(5) On the date fixed under sub-section (3) or on such other date to which an inquiry may be adjourned, the Betterment Levy Officer shall, after holding a formal inquiry in the manner provided by the Mysore Land Revenue Act, 1964, and after giving an opportunity of being heard to every person who has made a statement under sub-section (3), make an order specifying—

(*a*) the increase in value of the lands by the completion of the construction, restoration, expansion or alteration of the irrigation work;

(*b*) the amount of betterment contribution payable in respect of the said lands; and

(*c*) the date from which such betterment contribution shall be payable.

(6) The Government or any person aggrieved by an order made under sub-section (5), may within sixty days from the date of the order, appeal to the Court of the Civil Judge having jurisdiction over the area in which the land is situated and the Court of the Civil Judge may pass such orders on the appeal as it may deem fit.

(7) An order passed by the Court of the Civil Judge on an appeal preferred to it under sub-section (6) and subject to the orders aforesaid of the Court of the Civil Judge, the order of the Betterment Levy Officer under sub-section (5) shall be final, and shall not be liable to be questioned in any court of law.

5. When contribution becomes payable.—(1) The contribution shall become payable under this Act on a written

notice of demand thereof issued by the Betterment Levy Officer being served on the landholder.

Provided that no notice of demand shall be served on a landholder until an order made under sub-section (5) of section 4 becomes final.

(2) For the avoidance of doubt, it is hereby declared that it shall not be necessary to serve notice on any person other than the landholder, who has an interest in the land or on a successor-in-interest of the landholder or in respect of any instalment of the contribution.

7. Contribution recoverable as arrears of land revenue.—Contribution payable under this Act in respect of any land shall be deemed to be a revenue demand due upon the said land ; and the land, its products and the building (owned by the landholder) standing upon the land shall be deemed to be the security for the contribution. When any instalment of the contribution payable in any year is not paid on the due date, the amount of the instalment shall be deemed to be an arrear of land revenue and the provisions of the law in force regulating the recovery of land revenue, shall apply to the recovery of the said arrear together with the interest due thereon, as it applies to the recovery of the land revenue due on that land.

8. Payment of contribution by person having interest in land.—Any person having interest in a land may, notwithstanding that he is not the landholder of such land, pay the contribution payable by the holder in respect of such land and shall, if such person pays the entire contribution within a period of two years from the date on which the landholder becomes liable to pay the contribution, be entitled to a rebate of ten per cent.

9. Right of reimbursement in respect of contribution.— Where the landholder (not being in the South Kanara District, a walawargadar, a kayamgenidar, a permanent tenant or a mulgeni tenant) liable to pay contribution under this Act is not the owner of the land or is a co-owner of the land, nothing in this Act shall be deemed to effect his right to reimbursement from the owner or to recover proportionate part from the co-owner as the case may be.

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PART IV—2-A

BANGALORE, SATURDAY, AUGUST 30, 1969
(BHADRAPADA 8, SAKA ERA 1891) | No. 428

MYSORE LEGISLATIVE ASSEMBLY

NOTIFICATION.

No. 4820—L. A., Bangalore-1, dated 29-30th August 1969.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, the Speaker has been pleased to order the publication in the *Mysore Gazette* of **The Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Bill, 1969**, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) (AMENDMENT) BILL, 1969.

(L.A. BILL No. 35 OF 1969)

A Bill further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

WHEREAS it is expedient further to amend the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957);

BE it enacted by the Mysore State Legislature in the Twentieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) (Amendment) Act, 1969.

(2) It shall come into force at once.

2. *Amendment of section* 2.—In section 2 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957) (hereinafter referred to as the principal Act),—

(1) clause (*a*) shall be relettered as clause (*aa*), and before clause (*aa*) as so relettered, the following clause shall be inserted, namely:—

"(*a*) 'advance contribution' means, the advance betterment contribution referred to in section 3A;";

(2) in clause (*ba*), for the words and figures "sections 3 and 4", the word and figure "section 3" shall be substituted.

3. *Insertion of new section* 3A.—After section 3 of the principal Act, the following section shall be inserted, namely:—

"3A. *Levy of Advance Betterment Contribution.*—(1) Notwithstanding anything in this Act, where the

Government, having due regard to the relative priority of works and availability of funds, is of opinion that unless advance contribution as provided hereunder is paid by the landholders of all lands which are capable of being benefited by the completion of the construction, restoration, expansion or alteration of a work it is not possible for it,—

(*a*) to commence and complete the construction, restoration, expansion or alteration of any work which is capable of irrigating more than one hundred acres of land; or

(*b*) to proceed towards the completion with sufficient expedition in respect of the uncompleted part or stage of the work, the construction, restoration, expansion or alteration of which the Government has already commenced and which is capable of irrigating more than one hundred acres of land,

it may publish a draft of a scheme for the commencement and completion of the construction, restoration, expansion or alteration of the work referred to in clause (*a*), or for the completion of the uncompleted part or stage of the work referred to in clause (*b*) as the case may be, in the official Gazette and in such other manner as may be prescribed and there shall be published with the draft scheme a notice inviting objections or suggestions and specifying a date after which the draft scheme will be taken into consideration.

(2) The draft scheme referred to in sub-section (1) shall specify the lands under the irrigable command of the work which in the opinion of the Government are capable of being benefited by the completion of such work, the approximate amount of advance contribution payable per acre and such other particulars as may be prescribed and state that when the landholders of not less than sixty-six per cent of such lands express their willingness in writing within the time specified therefor to make such advance contribution towards such work either in one lumpsum or in four equal

annual instalments and when three-fifths of the first instalment of the advance contribution payable by the landholders of all such lands is paid towards such first instalment within the time specified therefor, the Government will commence the execution of the work, or proceed towards the completion of the uncompleted part or stage of the work, as the case may be, in pursuance of the scheme.

(3) The Government shall consider any objection or suggestion which may be received from any person with respect to the draft scheme on or before the date specified in the notice and finalise the scheme with or without modifications and publish the scheme as so finalised in the Official Gazette and in such other manner as may be prescribed, together with a notice calling upon the landholders of all the lands specified in the scheme to express their willingness in writing to pay the advance contribution towards the work either in one lumpsum or in four equal annual instalments and to make the payment of the first instalment of the advance contribution within such time as may be specified therein.

(4) Where the landholders of not less than sixty-six per cent of the lands specified in the scheme express their willingness in writing to pay the advance contribution and where three-fifths of the first instalment of the advance contribution payable by the landholders of all the lands specified in the scheme is paid towards the said first instalment within the time specified therefor, the Government shall commence the execution of the work or proceed towards the completion of the uncompleted part or stage of the work, as the case may be, in pursuance of the scheme.

(5) Where the landholders of not less than sixty-six per cent of the land specified in the scheme have not expressed their willingness to pay the advance contribution or where the amount of contribution so paid is less than three-fifths of the first instalment of the advance contribution, the Government shall not be bound to commence the execution of the work or to proceed towards the completion of the uncompleted part or stage of the work, as the case may

[redacted], and where the Government decides not to commence the execution of the work or not to proceed towards the completion of the uncompleted part or stage of the work, as the case may be, the landholders who have paid any advance contribution shall be entitled to the refund of the amount so paid.

(6) Where the Government commences the execution of the work or proceeds towards the completion of the uncompleted part or stage of the work, as the case may be, as specified under sub-section (4), it shall be entitled to levy and collect the advance contribution from the landholders of all the lands specified in the scheme and the Deputy Commissioner or any person authorised in this behalf shall, by an order, direct the landholders of the lands specified in the scheme who have failed to pay within the time specified therefor any instalment of advance contribution to pay it within such time as may be prescribed, and where any landholder pays in one lumpsum the entire advance contribution he shall be entitled to a rebate of ten per cent calculated on such advance contribution.

(7) As soon as may be after the date of completion of a work the amount of contribution payable under section 3 by the landholder in respect of any land specified in the scheme shall be determined in accordance with the provisions of this Act. The amount actually paid by such landholder towards the advance contribution payable by him under this section together with the amount allowed to him towards rebate under sub-section (6) shall be adjusted towards the amount of contribution as determined. If as a result of such adjustment any amount becomes due from the landholder to the Government or any amount becomes refundable to the landholder by the Government, such amount shall be recovered from him or refunded to him, as the case may be. Where the landholder of any land who has paid the advance contribution in respect of that land does not become liable to pay any contribution in respect thereof under section 3, the amount actually paid by him towards advance contribution shall be refunded to him with interest thereon at such rate as may be prescribed."

4. *Amendment of sections 7 and 9.*—In sections 7 and 9 of the principal Act, for the word " contribution ", wherever it occurs, the words " contribution or advance contribution " shall be substituted.

Statement of Objects and Reasons

Under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 there is provision for levy of betterment contribution and also for levy of water rate. It is considered necessary to provide for levy and recovery of advance betterment contribution in respect of irrigation works capable of irrigating more than one hundred acres of land, on the lines of the provisions made in the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955. This will enable Government to take up several irrigation projects and also develop large areas under irrigation.

Hence this Bill.

Memorandum regarding delegated legislation

Under new section 8A proposed to be inserted by clause 3 of the Bill, the Government is empowered to prescribe,—

(i) the other manner in which the draft of the scheme contemplated in sub-section (1) may be published ;

(ii) the other particulars required to be specified under sub-section (2), in the draft scheme referred to in sub-section (1);

(iii) the other manner in which the scheme as finalised should be published as required by sub-section (3);

(iv) the time within which any instalment of advance contribution shall be payable as required by sub-section (4) by the landholders who have failed to pay the same within the time specified ; and

(v) the rate of interest to be paid for the amount of advance contribution which has to be refunded as required by sub-section (7).

The proposed delegation of legislative power is of a normal character.

VEERENDRA PATIL.

— —

TE. HANUMANTHAPPA,
Secretary.

ANNEXURE

EXTRACT FROM THE MYSORE IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER RATE) ACT, 1957.

(MYSORE ACT 28 OF 1957.)

* * * *

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) 'Deputy Commissioner' means the Deputy Commissioner of a District or such other officer not below the rank of an Assistant Commissioner as the Government may appoint to discharge the functions of the Deputy Commissioner under this Act;

* * * *

(*ba*) 'contribution' means the tax payable as betterment contribution under sections 3 and 4;

* * * * *

7. *Contribution recoverable as arrears of land revenue.*—Contribution payable under this Act in respect of any land shall be deemed to be a revenue demand due upon the said land; and the land, its products and the building (owned by the landholder) standing upon the land, shall be deemed to be the security for the contribution. When any instalment of the contribution payable in any year is not paid on the due date, the amount of the instalment shall be deemed to be an arrear of land revenue and the provisions of the law in force regulating the recovery of land revenue, shall apply to the recovery of the said arrear together with the interest due thereon, as it applies to the recovery of the land revenue due on that land.

* * * * *

9. *Right of reimbursement in respect of contribution.*—Where the landholder (not being in the South Kanara District, a walawargadar, a kayamgenidar, a permanent tenant or a mulgeni tenant) liable to pay conrtibution under this Act is not the owner of the land or is a co-owner of the land, nothing in this Act shall be deemed to affect this right to reimbursement from the owner or to recover proportionate part from the co-owner, as the case may be.

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refund of the amount so paid.

(6) Where the Government commences the execution of the work or proceeds towards the completionm of the uncompleted part or stage of the work, as the case may be, as specified under sub-section (4), it shall be entitled to levy and collect the advance contribution from the landholders of all the lands specified in the scheme and the Deputy Commissioner or any person authorised in this behalf shall. by an order, direct the landholders of the lands specified in the scheme who have failed to pay within the time specified therefor any instalment of advance contribution to pay it within such time as may be prescribed. Where any landholder pays in one lumpsum the entire advance contribution he shall be entitled to a rebate of ten per cent calculated on such advance contribution.

(7) As soon as may be after the date of completion of such work the amount of (betterment) contribution payable under section 3 by the holder in respect of any land specified in the scheme shall be determined in accordance with the provisions of this Act. The amount actually paid by such landholder towards the advance contribution payable by him under this section together with the amount allowed to him towards rebate under sub-section (6) shall be adjusted towards the amount of contribution as determined. If as a result of such adjustment any amount becomes due from the landholder to the Government or any amount becomes refundable to the landholder by the Government, such amount shall be recovered from him or refunded to him, as the case may be. Where the

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landholder of any land who has paid the advance contribution in respect of that land does not become liable to pay any contribution in respect thereof under section 3 the amount actually paid by him towards advance contribution shall be refunded to him with interest thereon at such rate as may be prescribed.'

4. Amendment of section 7.- In section 7 of the principal Act for the word 'contribution' wherever it occurs the words 'contribution or advance contribution' shall be substituted.

5. Amendment of section 9.- In section 9 of the principal Act for the word 'contribution' wherever it occurs the words 'contribution or advance contribution' shall be substituted.

ANDHRA PRADESH LEGISLATIVE ASSEMBLY.

The following Bill was introduced in the Andhra Pradesh Legislative Assembly on 30th November, 1968.

L.A. BILL No. 48 of 1968.

A Bill further to amend the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955.

BE it enacted by the Legislature of the State of Andhra Pradesh in the Nineteenth Year of the Republic of India, as follows:-

1. Short title.- This Act may be called the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Amendment Act, 1968.

2. Amendment of section 2 of Act XXV of 1955.- In section 2 of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution Act, 1955 (hereinafter referred to as the principal Act), for clause (i), the following clause shall be substituted, namely:-

"(i) "Andhra Area" means the area in the State of Andhra Pradesh other than the Telangana area";

3. Substitution of new section for section 3-A.- For section 3-A of the principal Act, the following section shall be substituted, namely:-

"3-A. Levy of advance betterment contribution.- (1) Notwithstanding anything in this Act, where the Government having due regard to the relative priority of works and availability of funds, are of opinion that, unless an advance betterment contribution, as provided hereinunder, is paid by the owners of all lands which are capable of being benefited by the completion of the construction, expansion or alteration by them of a work, it is not possible for them, in the normal course, -

(a) to commence and complete the construction, expansion or alteration of any work, the estimated cost of which exceeds ten lakhs of rupees; or

(b) to proceed towards the completion, with sufficient expedition in respect of the uncompleted part or stage of any work, the construction, expansion or alteration of which the Government have already commenced and where the estimated cost of the completion of such uncompleted part or stage exceeds ten lakhs of rupees;

they may publish a draft of a scheme for the commencement and completion of the construction, ~~expans~~ expansion or alteration of the work referred to in clause (a), or for the completion of the uncompleted part or stage of the work referred to in clause (b) in the Andhra Pradesh Gazette and in the District Gazette, if any, and in such other manner referred as may be prescribed.

(2) The draft scheme referred to in sub-section (1) shall, specify the lands under the commandable ayacut of the work which, in the opinion of the Government are capable of being benefited by the completion of such work, the approximate amount of advance betterment contribution payable per acre for each class of such lands and such other particulars as may be prescribed and state that when the owners of not less than sixty six per cent of such lands express their willingness in writing within the time specified therefor to make such advance betterment contribution towards such work in the case of owners holding not more than five acres of dry lands each, either in one lumpsum or in six equal annual instalments and in the case of owners holding more than five acres of dry land or holding any extent of wet land, either in one lump sum or in four equal annual instalments and when three-fifths of the first instalment of the advance betterment contribution

payable by the owners of all such lands is paid towards such first instalment within the time specified therefor, the Government shall commence the execution of the work, or proceed towards the completion of the uncompleted part or stage of the work, as the case may be, in pursuance of the scheme. There shall be published with the draft of the scheme a notice inviting objections or suggestions and specifying a date or after which the draft of the scheme will be taken into consideration.

(3) The Government shall consider any objection or suggestion which may be received from any person with respect to the draft scheme on or before the date specified in the notice thereof, and finalise the scheme with or without modifications and publish the scheme as so finalised in the Andhra Pradesh Gazette and in the District Gazette, if any, and in such other manner as may be prescribed, together with a notice calling upon the owners of all the lands specified in the scheme, to express their willingness in writing to pay the advance betterment contribution towards the wor, in the case of owners holding not more than five acres of dry land each, either in one lumpsum or in six equal annual instalments and in the case of owners holding more than five acres of dry land or holding any extent of wet land, either in one lumpsum or in four equal annual instalments and to make the payment of the first instalment of the advance betterment contribution within such time as may be specified therein.

(4) Where the owner of not less than sixty-six per cent of the lands specified in the scheme express their willingness in writing to pay the advance betterment contribution and where three-fifths of the first instalment of the advance betterment contribution payable by the owners of all the lands specified in the scheme is paid towards the said first instalment within the time specified therefor.....

the time specified therefor, the Government shall commence the execution of the work or proceed towards the completion of the uncompleted part or stage of the work, as the case may be, in pursuance of the scheme.

(5) Where the owners of not less than sixty-six per cent of the lands specified in the scheme have not expressed their willingness to pay the advance betterment contribution and where the amount so paid is less than three-fifths of the first instalment of the advance betterment contribution, the Government shall not be bound to commence the execution of the work or to proceed towards the completion of the uncompleted part or stage of the work, as the case may be; and the owners who have paid any advance betterment contribution shall be entitled to the refund of the amount so paid.

(6) Where the Government commence the execution of the work or proceed towards the completion of the uncompleted part or stage of the work, as the case may be as specified under sub-section (4), they shall be entitled to levy and collect the advance betterment contribution from the owners of all the lands specified in the scheme and the District Collector or any officer authorised in this behalf shall, by an order, direct the owners of the lands specified in the scheme, who have failed to pay within the time specified therefor any instalment of the advance betterment contribution to pay it within such time as may be prescribed. Where any owner pays in one lumpsum the entire advance betterment contribution, he shall be entitled to a rebate of ten per cent calculated on such advance betterment contribution.

(7) As soon as may be, after the date of completion of such work, the amount of contribution payable under

section 3 by an owner in respect of any land specified in the scheme shall be determined in accordance with the provisions of this Act, notwithstanding that a period of three years has not expired from that date. The amount actually paid by such owner towards the advance betterment contribution payable by him under this section together with the amount allowed to him towards rebate under sub-section (6) shall be adjusted towards the amount of contribution so determined. If, as a result of such adjustment, any amount becomes due from the owner to the Government or any amount becomes refundable to the owner by the Government, such amount shall be recovered from him or refunded to him, as the case may be. Where the owner of any land who has paid the advance betterment contribution in respect of that land does not become liable to pay any contribution in respect thereof under section 3, the amount actually paid by him towards advance betterment contribution, shall be refunded to him with interest thereon at such rate as may be prescribed.

Explanation.- In this section, the expression "dry land" means the land registered as dry, nanavari or ammunitari in the revenue accounts of the Government, and the expression "wet land" means the land registered as wet in the revenue accounts of the Government.

4. Amendment of section 5.- In sub-section (1) of section 5 of the principal Act,-

(i) the words "or advance contribution" in the two places where they occur, shall be omitted;

(ii) for the words "forty five days" the words "thirty days" shall be substituted.

5. Amendment of section 6.- In section 6 of the principal Act,-

(i) in clause (b), the words "or the estimated increase" shall be omitted;

(ii) in clauses (c), (d) and (e), the words "or the advance contribution" shall be omitted.

6. Amendment of section 7.- In section 7 of the principal Act, for the words "sixty days" the words "thirty days" shall be substituted.

7. Amendment of section 10.- In section 10 of the principal Act and in the marginal note thereto, the words "or advance contribution" shall be omitted.

8. Amendment of section 13.- In section 13 of the principal Act, for the expression "sub-section (3)" the expression "sub-section (5)" shall be substituted.

9. Amendment of section 15.- In section 15 of the principal Act, and in the marginal note thereto, the words "or the advance contribution" shall be omitted.

10. Amendment of section 18.- For sub-section (2) of section 18 of the principal Act, the following sub-section shall be substituted, namely:-

"(2) Every rule made under this Act, shall, immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule".

11. Omission of section 18A.- Section 18-A of the principal Act shall be omitted.

12. Certain provisions of the principal Act as in force immediately before the commencement of this Act to apply to pending schemes.- Where a new scheme was published under section 3-A of the principal Act before the commencement of this Act and a notice in respect thereof was also duly published under section 5 of the principal Act before such commencement, the provisions of sections 3-A, 5, 6, 10 and 13 of the principal Act as in force immediately before such commencement shall apply to such scheme, as if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

Section 3A of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955, empowers the Government to levy an advance betterment contribution in respect of any scheme prepared for the construction, expansion or alteration by the Government of any work, the estimated cost of which exceeds ten lakhs of rupees where the owners of not less than sixty-six per cent of the lands express their willingness in writing and where three-fifths of the first instalment of the advance betterment contribution payable is paid. The Government are not entitled to collect advance betterment contribution in respect of any work, the execution, construction, construction or alteration of which was already been commenced by the Government but which could not be proceeded with, with sufficient expedition, having due regard to the priorities of works and the availability of funds, although the owners of the lands within the commandable ayacut of such uncompleted work come forward to pay advance betterment

contribution for the completion of the work. It is, therefore, considered necessary that the provisions of section 3-A should be made applicable also in respect of the completion of the construction, expansion or alteration of any uncompleted work, the estimated cost of with which exceeds ten lakhs of rupees so as to enable the Government to proceed with the execution of uncompleted part or stage of the work on the payment of advance betterment contribution as provided in that section.

2. According to the provisions of the Act, the procedure laid down in sections 3-A, 5, and 6 in their application to the levy of advance betterment contribution is time consuming and will not be necessary as the advance betterment contribution is levied only, on the express consent of the owners of the major portion of the lands to be benefitted and to facilitate the expeditious executions of the works and as the advance betterment contribution so paid will be adjusted finally towards the betterment contribution determined under section 8 after following the elaborate procedure prescribed thereunder.

It is therefore, proposed to make the provision in sections 5 and 6 relating to the issue of individual notices and the enquiry into objections by the inquiry officer inapplicable so far as the levy of advances betterment contribution is concerned, and to modify the provisions of section 3A so as to provide for the commencement and completion of work not already commenced or the completion of the uncompleted part or stage of a work already commenced, inviting objections and suggestions from the public and to publish it as a final scheme either with or without modification after considering the objections and suggestions, if any.

publication of a prilimimary draft of the scheme for the

After final pulbeation of the sehems, if sixty-six per cent of the owners of the lands express their willingness to pay such advance betterment contribution and if three-fifths of the first instalment of the advance betterment contribution is received within the time specified therefor in the sehems, it shallx be obligatory for the Government to commence the work or to proceed with the completion of the uncompleted part or stage of the work. Thereafter the Government shall be entitled to levy and collect the advance betterment contribution from the owners of all the lands specified in the sehems and it shallbe competent for the District Collector, to direct by an order, the owners of all such lands who fail to pay within the time specified, any instalment of the advance betterment contribution to pay it within the time prescribed. Any person aggrieved by any such order has an opportunity of filing an appeal against that order under section 7 and a revision under section 8.

As some sehemes have already been published under section 3-A and the notice in respect thereof has also been published under section 8 it is considered desirable to apply the provisions of sections 3-A, 5, 6, 10 and 12x 13 of the Act as in force without the amendments now proposed, to those sehemes so that the progress xxx of work in respect of these sehemes may not be affected by the new procedure.

2. It is proposed to give a rebate of ten per cent in respect of owners of lands who pay in lumpsum the entire advance betterment contribution.

4. Opportunity is also taken to make other amendments

to the Act in order to remove certain working difficulties in the implementation of the provisions of the Act.

This Bill is intended to give effect to the above objects,

V.B. RAJU,
Minister for Revenue and Civil Supplies,

G.V. CHOWDARY,
Secretary, Legislature.

ANDHRA PRADESH LEGISLATIVE ASSEMBLY.

The following Bill was introduced in the Andhra Pradesh Legislative Assembly on 30th November, 1968.

L.A. BILL No. 45 of 1968.

A Bill further to amend the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955.

BE it enacted by the Legislature of the State of Andhra Pradesh in the Nineteenth Year of the Republic of India, as follows:-

1. Short title.- This Act may be called the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Amendment Act, 1968.

2. Amendment of section 2 of Act XXV of 1955.- In section 2 of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution Act, 1955 (hereinafter referred to as the principal Act), for clause (i), the following clause shall be substituted, namely:-

"(i) "Andhra Area" means the area in the State of Andhra Pradesh other than the Telangana area";

3. Substitution of new section for section 3-A.- For section 3-A of the principal Act, the following section shall be substituted, namely:-

"3-A. Levy of advance betterment contribution.- (1) Notwithstanding anything in this Act, where the Government having due regard to the relative priority of works and availability of funds, are of opinion that, unless an advance betterment contribution, as provided hereinunder, is paid by the owners of all lands which are capable of being benefited by the completion of the construction, expansion or alteration by them of a work, it is not possible for them, in the normal course, -

(a) to commence and complete the construction, expansion or alteration of any work, the estimated cost of which exceeds ten lakhs of rupees; or

(b) to proceed towards the completion, with sufficient expedition in respect of the uncompleted part or stage of any work, the construction, expansion or alteration of which the Government have already commenced and where the estimated cost of the completion of such uncompleted part or stage exceeds ten lakhs of rupees;

They may publish a draft of a scheme for the commencement and completion of the construction, expan expansion or alteration of the work referred to in clause (a), or for the completion of the uncompleted part or stage of the work referred to in clause (b) in the Andhra Pradesh Gazette and in the District Gazette, if any, and in such other manner referred as may be prescribed.

(2) The draft scheme referred to in sub-section (1) shall, specify the lands under the commandable ayacut of the work which, in the opinion of the Government are capable of being benefited by the completion of such work, the approximate amount of advance betterment contribution payable per acre for each class of such lands and such other particulars as may be prescribed and state that when the owners of not less than sixty six per cent of such lands express their willingness in writing within the time specified therefor to make such advance betterment contribution towards such work in the case of owners holding not more than five acres of dry lands each, either in one lumpsum or in six equal annual instalments and in the case of owners holding more than five acres of dry land or holding any extent of wet land, either in one lump sum or in four equal annual instalments and when three-fifths of the first instalment of the advance betterment contribution

payable by the owners of all such lands is paid towards such first instalment within the time specified therefor, the Government shall commence the execution of the work, or proceed towards the completion of the uncompleted part or stage of the work, as the case may be, in pursuance of the scheme. There shall be published with the draft of the scheme a notice inviting objections or suggestions and specifying a date or after which the draft of the scheme will be taken into consideration.

(3) The Government shall consider any objection or suggestion which may be received from any person with respect to the draft scheme on or before the date specified in the notice thereof, and finalise the scheme with or without modifications and publish the scheme as so finalised in the Andhra Pradesh Gazette and in the District Gazette, if any, and in such other manner as may be prescribed, together with a notice calling upon the owners of all the lands specified in the scheme, to express their willingness in writing to pay the advance betterment contribution towards the wor, in the case of owners holding not more than five acres of dry land each, either in one lumpsum or in six equal annual instalments and in the case of owners holding more than five acres of dry land or holding any extent of wet land, either in one lumpsum or in four equal annual instalments and to make the payment of the first instalment of the advance betterment contributio within such time as may be specified therein.

(4) Where the owner of not less than sixty-six per cent of the lands specified in the scheme express their willingness in writing to pay the advance betterment contribution and where three-fifths of the first instalment of the advance betterment contribution payable by the owners of all the lands specified in the scheme is paid towards the said first instalment within the time specified therefor.....

the time specified therefor, the Government shall commence the execution of the work or proceed towards the completion of the uncompleted part or stage of the work, as the case may be, in pursuance of the scheme.

(5) Where the owners of not less than sixty-six per cent of the lands specified in the scheme have not expressed their willingness to pay the advance betterment contribution and where the amount so paid is less than three-fifths of the first instalment of the advance betterment contribution, the Government shall not be bound to commence the execution of the work or to proceed towards the completion of the uncompleted part or stage of the work, as the case may be; and the owners who have paid any advance betterment contribution shall be entitled to the refund of the amount so paid.

(6) Where the Government commence the execution of the work or proceed towards the completion of the uncompleted part or stage of the work, as the case may be as specified under sub-section (4), they shall be entitled to levy and collect the advance betterment contribution from the owners of all the lands specified in the scheme and the District Collector or any officer authorised in this behalf shall, by an order, direct the owners of the lands specified in the scheme, who have failed to pay within the time specified therefor any instalment of the advance betterment contribution to pay it within such time as may be prescribed. Where any owner pays in one lumpsum the entire advance betterment contribution, he shall be entitled to a rebate of ten per cent calculated on such advance betterment contribution.

(7) As soon as may be, after the date of completion of such work, the amount of contribution payable under

section 3 by an owner in respect of any land specified in the scheme shall be determined in accordance with the provisions of this Act, notwithstanding that a period of three years has not expired from that date. The amount actually paid by such owner towards the advance betterment contribution payable by him under this section together with the amount allowed to him towards rebate under sub-section (6) shall be adjusted towards the amount of contribution so determined. If, as a result of such adjustment, any amount becomes due from the owner to the Government or any amount becomes refundable to the owner by the Government, such amount shall be recovered from him or refunded to him, as the case may be. Where the owner of any land who has paid the advance betterment contribution in respect of that land does not become liable to pay any contribution in respect thereof under section 3, the amount actually paid by him towards advance betterment contribution, shall be refunded to him with interest thereon at such rate as may be prescribed.

Explanation.- In this section, the expression "dry land" means the land registered as dry, manavari or manmitari in the revenue accounts of the Government, and the expression "wet land" means the land registered as wet in the revenue accounts of the Government.

4. Amendment of section 5.- In sub-section (1) of section 5 of the principal Act,-

(i) the words "or advance contribution" in the two places where they occur, shall be omitted;

(ii) for the words "forty five days" the words "thirty days" shall be substituted.

5. Amendment of section 6.- In section 6 of the principal Act,-

(i) in clause (b), the words "or the estimated increase" shall be omitted;

(ii) in clauses (c), (d) and (e), the words "or the advance contribution" shall be omitted.

6. Amendment of section 7.- In section 7 of the principal Act, for the words "sixty days" the words "thirty days" shall be substituted.

7. Amendment of section 10.- In section 10 of the principal Act and in the marginal note thereto, the words "or advance contribution" shall be omitted.

8. Amendment of section 13.- In section 13 of the principal Act, for the expression "sub-section (3)" the expression "sub-section (5)" shall be substituted.

9. Amendment of section 15.- In section 15 of the principal Act, and in the marginal note thereto, the words "or the advance contribution" shall be omitted.

10. Amendment of section 18.- For sub-section (2) of section 18 of the principal Act, the following sub-section shall be substituted, namely:-

"(2) Every rule made under this Act, shall, immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule".

11. Omission of section 18A.- Section 18-A of the principal Act shall be omitted.

12. Certain provisions of the principal Act as in force immediately before the commencement of this Act to apply to pending schemes.- Where a new scheme was published under section 3-A of the principal Act before the commencement of this Act and a notice in respect thereof was also duly published under section 5 of the principal Act before such commencement, the provisions of sections 3-A, 5, 6, 10 and 13 of the principal Act as in force immediately before such commencement shall apply to such scheme, as if this Act had not been passed.

STATEMENT OF OBJECTS AND REASONS.

Section 3A of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1956, empowers the Government to levy an advance betterment contribution in respect of any scheme prepared for the construction, expansion or alteration by the Government of any work, the estimated cost of which exceeds ten lakhs of rupees where the owners of not less than sixty-six per cent of the lands express their willingness in writing and where three-fifths of the first instalment of the advance betterment contribution payable is paid. The Government are not entitled to collect advance betterment contribution in respect of any work, the execution, construction, construction or alteration of which has already been commenced by the Government but which would not be proceeded with, with sufficient expedition, having due regard to the priorities of works and the availability of funds, although the owners of the lands within the commandable ayacut of such uncompleted work come forward to pay advance betterment

contribution for the completion of the work. It is, therefore, considered necessary that the provisions of section 3-A should be made applicable also in respect of the completion of the construction, expansion or alteration of any uncompleted work, the estimated cost of with which exceeds ten lakhs of rupees so as to enable the Government to proceed with the execution of uncompleted part or stage of the work on the payment of advance betterment contribution as provided in that section.

2. According to the provisions of the Act, the procedure laid down in sections 3-A, 5, and 6 in their application to the levy of advance betterment contribution is time consuming and will not be necessary as the advance betterment contribution is levied only, on the express consent of the owners of the major portion of the lands to be benefitted and to facilitate the expeditious executions of the works and as the advance betterment contribution so paid will be adjusted finally towards the betterment contribution determined under section 8 after following the elaborate procedure prescribed thereunder.

It is therefore, proposed to make the provision in sections 5 and 6 relating to the issue of individual notices and the enquiry into objections by the inquiry officer in applicable so far as the levy of advance betterment contribution is concerned, and to modify the provisions of section 3A so as to provide for the commencement and completion of work not already commenced or the completion of the uncompleted part or stage of a work already commenced, inviting objections and suggestions [illegible] public and to publish it as a final scheme either with or without modification after considering the objections and suggestions, if any.

publication of a preliminary draft of the scheme for the

After final publication of the scheme, if sixty-six per cent of the owners of the lands express their willingness to pay such advance betterment contribution and if three-fifths of the first instalment of the advance betterment contribution is received within the time specified therefor in the scheme, it shallx be obligatory for the Government to commence the work or to proceed with the completion of the uncompleted part or stage of the work. Thereafter the Government shall be entitled to levy and collect the advance betterment contribution from the owners of all the lands specified in the scheme and it shallbe competent for the District Collector, to direct by an order, the owners of all such lands who fail to pay within the time specified, any instalment of the advance betterment contribution to pay it within the time prescribed. Any person aggrieved by any such order has an opportunity of filing an appeal against that order under section 7 and a revision under section 8.

As some schemes have already been published under section 3-A and the notice in respect thereof has also been published under section 8 it is considered desirable to apply the provisions of sections 3-A, 5, 6, 10 and 12x 13 of the Act as in force without the amendments now proposed, to those schemes so that the progress xxx of work in respect of these schemes may not be affected by the new procedure.

3. It is proposed to give a rebate of ten xx per cent in respect of owners of lands who pay in lumpsum the entire advance betterment contribution.

4. Opportunity is also taken to make other amendments

to the Act in order to remove certain working difficulties in the implementation of the provisions of the Act.

This Bill is intended to give effect to the above objects.

V.B. RAJU,
Minister for Revenue and Civil Supplies.

G.V. CHOWDARY,
Secretary, Legislature.

IL Andhra Pradesh

Irrigation (Levy of betterment contribution)
. Andhra Betterment Contribution) Act 1955
as amended by
Act 1966. . Rules

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THE ANDHRA PRADESH IRRIGATION(LEVY OF BETTERMENt) CONTRIBUTION AND ADVANCE BETTERMENT CONTRIBUTION) ACT, 1955 AS AMENDED BY THE ANDHRA PRADESH IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION) AMEndMENT ACT, 1964.

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ACT NO. XXV OF 1955 (22nd D$_e$cember,1955)

An Act to provide for the levy of betterment contribution and advance betterment contribution on certain lands in the State of Andhra Pradesh.

Whereas it is expedient to provide for the levy of betterment contribution on certain lands in the State of Andhra Pradesh.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Fifteenth Year of the Republic of India as follows:-

1. Short title and extent.- (1) This Act may be called the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955.

(2) It extends to the whole of the State of Andhra Pradesh.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context:-

(1) "Andhra Area" means the territories which immediately before the 1st November 1956, were comprised in the State of M Andhra.

(1-a) "advance contribution" means the advance betterment contribution referred to in section 3-A."

(1-B) "contribution" means the betterment contribution referred to section 3;

(2) "Government" means the State Government;

(3) "notification" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;

(4) "owner" in relation to any land means the person liable to pay the public revenue due on the lands and includes a ryot having a permanent right of occupancy within the meaning of the Andhra Pradesh (Andhra Area) Estates Land Act, 1908 (Act I of 1908).

Explanation.- The expression "person liable to pay the public revenue," in relation to any land in respect of which no public revenue is payable, means the person who would have been liable to pay public revenue had it been payable on such land).

(5) "prescribed" means prescribed by rules made under this Act;

(5-A) "Telangana area" means the territories specified in sub-section (1) of section 3 of the States Reorganisation Act, 1956 (Central Act 37 of 1956);

(6) "work" means an irrigation work or drainage work as defined hereunder:-

(a) "irrigation work" includes -

(i) All canals, channals, tanks, wells, reservoirs, ponds, spring ponds, and madugus used for the supply or storage of water for purposes of irrigation and all dam, embankments, weirs, sluices, greynes, pumping sets and other works (other than escape channels) connected therewith or auxiliary thereto, which are owned or controlled by the Government, or constructed or maintained by them and not handed over to any person;

(ii) all such lakes and other ~~xxx~~ natural collections of water, or parts thereof, as are situated on lands which are the property of Government;

(iii) all revers and natural streams or parts thereof.

(b) "drainage work" includes the following works which are owned or controlled bythe Government, or constructed or maintained by them and not handed over to any person:-

(i) channels, whether natural or artificial, for the discharge of waste or surplus water, and escape channels from an irrigation work, together with dams, embankments, weirs sluices, groynes, pumping sets and other works connected with or auxiliary to all such channels;

(ii) all works forthe protection of lands from floods or from erosion.

EXPLANATION.- For the purpose of this clause, any part or stage of a work, which is notified under section 3-B shall be deemed to be a "work".

3. Levy of betterment contribution.- (1) The Government shall be entitled to levy and collect a betterment contribution in accordance with the provisions of this Act from the owner of any land which, in their opinion, is benefited or is capable of being benefited, by the completion of the construction, expansion or alteration by the Government of any work, the cost of which exceeds one lakh and 50 thousand of rupees, if the construction, expansion or alteration of such work is completed:-

(a) in the Andhra area, whether after the commencement of this Act, or at any time before such commencement but not earlier than the 15th August '47.

(b) in the Telangana area, after the commencement of the Andhra Pradesh Irrigation (Levy of betterment Contribution) extension and Amendment Act, 1959.

Provided that nothing in this Act shall apply to any such work in the Telangana area, if not less than two-thirds of the total cost of the construction, expansion or alteration thereof was incurred before the commencement of the Act, aforesaid.

Provided further that no contribution shall be levied and collected until the expiration of three years from the date of completion of the construction, expansion or alteration of any work.

EXPLANATION:- For the purpose of this section and 3-A;

(i) land shall not be deemed to be benefited merely by reason of he maintenance of an existing work wholly or partly at the expense of ~~the~~ the Government;

(ii) land shall be deemed to be "capable of being benefited" irrespective of the non-enjoyment of the benefit, where such non-enjoyment is due to any action or inaction on the part of ~~[illegible]~~ the owner or other person interested in the land.

3-A Levy of advance betterment contribution.- (1) Notwithstanding anything in this Act where the Government have prepared a scheme for the construction, expansion or alteration by them of any work, the estimated cost of which exceeds ten lakhs of rupees, and have localised the ayacut land which, in their opinion, are capable of being benefited by the completion of such work, and where they propose to implement the scheme on the payment of an advance betterment contribution as provided hereunder, by the owners of such lands, the Government may publish the scheme in the Andhra Pradesh Gazette, and in the District Gazette, if any, and in such other manner as may be prescribed. Such scheme shall specify the lands under such commandable ayacut of the work, which are so capable of being benefited, the approxi-mate amount of advance betterment contribution payable per acre for each class of such lands and such other particulars as may be prescribed,

and shall require the owners of all such lands to express their willingness in writing within such time as may be prescribed, to make such advance betterment contribution towards such work either in one lumpsum or in six equal annual instalments in the case of owners holding not more than five acres of dry land each, and in the case of owners holding more than five acres of dry land or holding any extent of wet land, either inm one lumpsum or in four equal annual instalments.

(2) Where the owners of not less than sixty six per cent of the lands referred to in sub-section (1) so express their willingness in writing, the Government shall be entitled to levy and collect an advance betterment contribution from the owners of all the lands referred to in sub-section (1) The advance betterment contribution so levied may be paid either in one lumpsum or in six equal annual instalments in the case of owners holding not more than five acres of dry land each, and in the case of owners holding more than five acres of dry land or holding any extent of wet land, either in one lumpsum or in four equal annual instalments and within such time as may be specified by the District Collector under section 6.

(3) Where three-fifths of the first instalment of the advance betterment contribution payable by the owners of all the lands referred to in sub-section (1) is paid towards such first instalment within the time specified therefor, the Government shall commence the execution of the work. Where the amount so paid is less than three fifths of the first instalment of the advance betterment

contribution the Government shall not commence the execution of the work in pursuance of the scheme prepared under sub-section (1) but shall refund the amounts so paid to the owners concerned. Where the Government commence the execution of the work, the District Collector or any officer authorised by him in this behalf, shall, immediately after such commencement of the execution of such work, by an order direct the owners of the lands referred to in sub-section (1) who have failed to pay within the time specified therefor any instalment of the advance betterment contribution to pay it within such time as may be prescribed;

(4)As soon as may be, after the date of completion of such work the amount of contribution payable under section 3 by an owner in respect of of any land referred to in sub-section (1) of this section, shall be determined in accordance with the provisions of this Act notwithstanding that a period of three years has not expired from that date. The amount of advance betterment contribution paid by such owner, under this section be adjusted towards the amount so determined. If as a result of such adjustment, any amount becomes due from him to the Government or any amount becomes refundable to him by the Government such amount shall be recovered from him or refunded to him as the case may be.

EXPLANATION.- In this section, the expression "dry land" means the land as registered as dry, manavari or asmanitari in the revenue accounts of the Government and the expression "wet land" means the land registered as wet in the revenue accounts of the Government.

3-B. Notification of the dates of commencement and completion of work.- The Government shall notify the date of the commencement and the date of the completion of the construction, expansion or alternation by them of any work, either for the entire work or for any part or stage thereof, and all lands benefited or capable of being benefited by the completion of such work part or stage as so notified shall be liable to pay contribution or advance contribution in accordance with the provisions this Act.

4. Amount of contribution or advance contribution. - The amount of contribution or advance contribution payable by an owner for any land in respect of a work shall be so fixed as not to exceed one half of the increase or the estimated increase in value of the land, on account of the completion of the construction, expansion or alteration of the work. Such increase or estimated increase in value shall be the amount or the estimated amount, by which the value of the land on the date of the completion of such work exceeds or is likely to exceed the value of the land on the date of commencement of that work.

5. Publication of Notice.- (1) Before levying the contribution or advance contribution payble in respect of any land, a notice shall be published by the District Collector in the District Gazette (and if no such Gazette is published in any District then the Andhra Pradesh Gazette) and in such other manner as may be prescribed, specifying the lands

under the commandable ayacut of the work and liable for the payment of contribution or advance contribution and requiring all the persons interested to submit their objections, if any in writing to the Inquiring Officer prescribed in this behalf or to appear before him either personally or by agent and state their objections within forty-five days of the publication of the notice.

(2) Separate notices to the same effect shall be served in the prescribed manner on all persons known or believed to be the owners of, or interested in, the lands specified in the notice, so far as such service may be practicable.

6. Inquiry and order by District Collector.- On the date fixed under section 5 of the or on such other date to which the inquiry may be adjourned the Inquiring Officer shall inquire into the the objections received or recorded by him and submit the records of inquiry to the District Collector together with his recommendations. The District Collector shall thereupon pass an order specifying:-

(a) the lands concerned under the irrigable command of the work.

(b) the increase or the estimated increase in value of such lands by the completion of the construction, expansion or alteration of the work;

(c) the amount of the contribution or the advance contribution leviable on each of the said lands;

(d) the fasli year from which the contribution or advance contribution shall be leviable; and

(e) the manner in which and the time within which the contribution or the advance contribution or the is payable.

7. Appeal.- Any person aggrieved by an order passed by the District Collector (Under this Act) may, within sixty days from the date of receipt of such order by him, appeal to the Board of Revenue (and the Board may pass such order on the appeal as it thinks fit).

8. Revision. The Government may, at any time, either suo motu or an application, call for and examine the records relating to any order passed, or proceedings taken by the Inquiring Officer or the District Collector (under this Act) or by the Board of Revenue under section 7, for the purpose of satisfying themselves as to the legality or properiety of such order, or as to the regularity of such proceedings, and pass such order in reference thereto as they think fit;

(Provided that the Government shall not pass any order prejudicial to any person unless such person has had a reasonable opportunity of making a representation).

9. Finality of orders.- Any order passed by the Government in revision under section 8 and subject to such order, the decision of the Board of Revenue on appeal under section 7, and subject to the orders of the Government and the decision of the Board of Revenue on appeal, the order passed by the District Collector(under this Act) shall be final.

10. When contribution or advance contribution become payable.- Contribution or advance contribution shall become payable under this Act on a written notice of demand therefor issued by the officer authorised by the Government in this behalf being served on the owner in accordance with the order passed under section 7, or section 8 specifying the amount payable.

11. Mode of payment of Contribution.- (1) Where no advance contribution is payble under this Act, the contribution payable by an owner shall be paid by him (in twenty annual instalments).

(i) if, no or before the date on which the first instalment is payble, the owner pays in a limpsum the entire contribution, he shall be entitled to a rebate of ten per cent calculated on such contribution;

(ii) if, on any date within a period of two years after the first instalment is payable he pays in a lumpsum the entire amount of contribution outstanding against him on that date, he shall be entitled to a rebate of ten percent calculated on such outstanding amount.

Explanation. In the case mentioned in proviso (ii) if the owner had not paid the amount of instalment or instalments payable by him before the date mentioned in that proviso, the amount of such instalment or instalments shall be deducted from the lumpsum paid by him, and the rebate shall be calculated only on the balance.

(2) Where such contribution is paid in instalments, interest shall be calculated on the contribution amount outstanding at the end of each year at such rate as may be prescribed and the contribution with interest as calculated shall be payable in equate

in equated x annual instalments.

(3) Subject to such rules as may be made in this behalf, the owner of any land) in respect of which such contribution is payable may instead of making a lumpsum payment in cash surrender to the Government any land the value whereof is, in the opinion of the District Collector equal to the amount of the contribution less a rebate as provided in sub-section (1). Provided that the District Collector may, for reasons to be recorded in writing refuse to accept any land offered by the onwer.

12. Rebate in certain other cases.- If the Government accept or have accepted any money contribution from any person for the construction, expansion or alteration of any work and such person becomes liable to pay contribution or advance contribution in respect of any land benefited or capable of being benefited by such contribution, expansion or alteration, the sum accepted from his shall be credited towards the contribution or advance contribution payable by him.

13. Contribution or advance contribution as arrear of land revenue.- Subject to the provisions of sub-section 3 of section 3-A contribution or advance contribution payable under Rhis Act in respect of any land shall be deemed to be public revenue due upon the said land; and the land its products and the buildings (owned and occupied by the owner) standing upon the land shall be regarded as the security of such contribution. When the whole or portion of an instalment of such contribution payable in any year is not paid on the due date the amount of the instalment or its unpaid portion and the interest if any due thereon shall

shall be deemed to be an arrear of land revenue and the previsions of the Andhra Pradesh Revenue Recovery Act, 1864), (Act 11 of 1864) shall apply to the recovery of the said arrear as they apply to the recovery of the Revenue due on the land.

14. Payment of contribution or advance contribution by persons having interest in land. Any person having interst in a land may notwithstanding that he is not the owner of such land pay the contribution payable by the owner in respect of such land and shall, if such person pays the entire contribution in accordance with the provision of section 11, be entitled to the rebate provided by that section.

15. Payment of contribution or advance contribution by actual occupation and ryots with occupancy rights.- Where an owner who has paid an instalment of contribution or the advance contribution under this Act is not the occupier of the land, he shall, in the absence of a contract to the contrary, be entitled to recover the amount of such instalment from the person other than a tenant, who is in actual occupation of the land during the year in which the said instalment is payable.

Provided that, where the owner has paid the entire contribution with a rebate under the proviso to sub-section (1) of section 11, a twenthieth para of the sum actually paid shall be deemed to be the instalment of the contribution payable during every year during which an instalment of the contribution would have been payable had the entire contribution not been so paid.

16. Exemption.- If, in the opinion of the Government the enforcement of all or any of the provisions, of this Act will cause hardship in any case of cases Government, may, by notification, setting out the ground therefor exempt either permanently or for a specified period, such case or cases from all or any of the provisions of this Act, subject to such conditions, if any, as the Government may deem fit to impose.

17. Bar of jurisdiction of Civil Courts.- No civil court shall entertain any suit or other proceedings to set aside or modify any order or decision passed by the District Collector, the Board or Revenue or the Government under this Act or in respect of any other matter falling within the scope of any of these authorities.

18. Power to make Rules.- (1) The Government may, by notification , make rules to carry out the purposes of this Act, and in particular:-

(a) for the delegation of their powers to the Board of Revenue, District Collector or other authorities;

(b) for the provision of such appeals and revision as may be found necessary in respect of the orders passed by any authority to whom powers may be so delegated;

(c) for he procedure to be followed in making inquiries under section 6 and in disposing of appeals under section 7;-

(d) for he manner of service of notice and orders issued underthis Act;

(e) for the manner in which the instalments of contribution or advance contribution shall be paid;

(f) for all matters expressly required or allowed by this Act to be prescribed;

(2) All rules made under this section shall be published in the (Andhra Pradesh Gazette) and upon such publication shall have effect as if enacted in this Act. The rules so made shall be placed on the table of the Legislative Assembly as soon as possible after they are published and shall be subject to such modifications, whether by way of repeal or amendment, as the Assembly may make within fourteen days thereafter during the session in which they are so laid.

18.A. Powers to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act and in particular in their application to the Telangana area, the Government may , by order in the Andhra Pradesh Gazette make such provisions, not in consistent with the purposes of this Act, as appear to them to be necessary or expedient for removing the difficulty.

19. Nothing contained in this Act shall apply to the levy, determination, payment or recovery of betterment contribution from the owners of lands which are benefited or are capable of being benefited or are capable of being benefited by the construction, expansion or alteration of any work, if provision in that behalf is contained in any other law relating thereto and for the time being in

ANDHRA PRADESH IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND ADVANCE BETTERMENT CONTRIBUTION RULES,1956.

In exercise of the powers conferred by section 18 of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955 (Andhra Act XXV of 1955), the Governor of Andhra hereby makes the following rules:-

RULES

1. These rules may be called the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Rules, 1956.

2. In these rules, unless the context otherwise requires:-

(i) "Act" means the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955;

(ii) "Form" means a form appended to these rules;

(iii) "Section" means a section of the Act;

(iv) "Tahsildar" includes a Deputy Tahsildar, and an Estate Manager where such Manager is of a rank of the Tahsildar or Deputy Tahsildar.

3. Every notification issued under section 3 B shall be in Form I.

4. The cost of the construction, expansion or alteration of any work shall, for purposes of section 3, be the actual amount incurred by the Government on such construction expansion or alteration and shall include all direct and indirect charges.

5. For the purpose of determining the value of the land under section 4, the average prices realized by the sale of the same or similar lands in

the neighbourhood during the relevant periods may be taken into consideration.

6. The Revenue Divisional Officer of the division concerned or any other officer of the Revenue Department not lower in rank than a Revenue Divisional Officer as may be specially appointed by the Government in this behalf shall be the Inquiring Officer referred to in section 5,

Explanation.- For the purpose of this rule, the expression "Revenue Divisional Officer" includes an Estate Manager where such Manager is of the rank of a Revenue Divisional Officer.

7. (1) The notice referred to in sub-section (1) of section 5 shall be in Form II and shall besides being published in the District Gazette, and if no such Gazette is published in any district, then in the Andhra Pradesh Gazette, also be published in the following manner, namely:-

(i) by affixture on the notice board of t the Office of the Tahsildar having jurisdiction over the lands specified in such notice.

(ii) by affixture in the village chavadi or if there is no such chavadi, in any conspicuous place in the village in which the lands specified in the notice are situate, and

(iii) by beat of tom-tom in the village in which the lands specified in the notice are situate.

(2) The notice under sub-section (2) of section 5 shall be in Form III, Service of notice

shall be affected by delivering it to the person concerned or to his agent or to any adult male member of his family, or where none of the above courses is practicable, by affixing the notice at his last known place of residence or by sending it to his last known address by registered post.

8. (1) The Inquiring Officer, as soon as may be, after the expiry of forty five days of the publication of notices referred to in rule 7(1) shall hold an inquiry to consider the objections received by him andfor this purpose he shall issue notices to all persons who had submitted ojbections requiring them to appear before him on such date and at such place as may be specified therein, to adduce such evidence as may be necessary in support of their objections.

(2) On the date fixed for the inquiry and on such further date to which the same may be adjourned the Inquiring officer shall hear the objections and record in writing the nature of such objections and submit the records of inquiry to the District Collector together with his recommendations and the ground therefor and such other particulars as he may think fit.

(3) When the Inquiring Officer makes an enquiry under section 6, he shall in addition to the powers vested in him under the Madras Revenue Summonses Act, 1869 (Madras Act III of 1869) also have power to examine orally any persons summoned by him oneach or affirmation and reduce into writing any statement made by the person soexamined, also to enter upon and inspect the lands.

(4) The District Collector, on the receipt of the records of inquiry may, if he considers that any

further inquiry is necessary, himself make such inquiry or remit the case to the Inquiring Officer for making such further inquriry, specifying the poits on which such inquiry is necessary. In making any inquiry under this sub-rule, the District Collector shall exercise all such powers as the Inquiring Officer is empowered to exercise under sub-rule (3).

(5) A Copy of every order passed by the District Collector under section 6 shall be served on the owner of the land or other person interested who has preferred objections or shall be sent to him by registered post.

9. (1) Every appeal to the Board of Revenue under section 7 against an order passed by the District Collector shall be filed within sixty days from the date of receipt of such order by the person aggrieved and shall be accompanied by an authentic copy of the order appealed against. It shall set forth concisely the grounds of objection to the order appealed against.

Explanation (1):- In the case of a person who has not preferred any objections under sub-section (1) of section 5, the appeal shall be filed within sixty days from the date of the order, excluding the time taken for obtaining a certified copy of the order.

Explanation (2):- An appeal shall be filed against the order of the District Collector, by the affected parties, jointly subject to payment by each of them of such stamp duties as should have been payable, if he and himself filed the appeal singly.

(2) If the Board of Revenue while hearing the appeal against the order passed by the District Collector considers that any further inquiry is necessary it may make such inquiry itself or cuase it to be made by any officer subordinate to it, specifying the points on

which such inquiry is necessary. The Board of Revenue or the officer aforesaid making such inquiry shall exercise all such powers as the Inquiring Officer is empowered to exercise under rule 8.

10. (1) The notice of demand under section 10 of the Act, shall be in Form IV, and shall specify the due date from which the betterment contribution becomes payable such date not being earlier than two months from the date of service of the District Collector's Order under section 6 of the Act.

(2) The notice of demand shall be served on the owner in the manner specified in sub-rule (2) of rule 7.

11. The rate of interest chargeable under sub-sectioj (2) of section 11 shall be given percent per annum.

12. (1) Any person who is liable for payment of betterment contribution and who desiras to surrender to the Government any land in lieu of lumpsum payment of betterment contribution may submit an application to theDistrict Collector within two years from the date on which the first instalment is payable, specifying therein the situation, description and extent of the land which he proposes to surrender.

(2)(i) On receiving such application, the District Collector or any officer authorised by him in this behalf, shall cause a notice in Form V published in the manner specified in items (i) to (iii) of rule 7(i), of the proposed surrender, inviting objections, before a specified date.

(ii) As soon as may be, after the expiry of the specified date allowed in the notide referred to in clause (i) above, the District Collector or the officer authorised by him in this behalf, shall hold

an inquiry to consider the objecttons, if any, **receiwed** by him and for this purpose he shall issue notices to all persons who had submitted objections requiring them to appear before him on such date and at such pâace as may be specified therein to adduce evidence as may be necessary in support of their objectkons.

(iii) On the date fixed for the inquiry and on such further date to which the same may be adjourmd, the District Collector or the Officer authorised by him in ~~this~~ this behalf, shall hear the objections for determining the interest of the applkcant in the land; or if no objections are received, he shall as soon as may be after the expiry of the date specified in the notice referred to in clause (i) above, straightway proceed to determine the interest of the applicant in the land.. For this purpose, the District Collector or the Officer authorised by him in this behalf, may also enter upon and inspect the lands and may make such inquiry as he considers necessary into the natureof the land and the interest of the applicant therein;

(3) In case the District Collector accepts the land proposed to be surrendered to the Government, the applicant shall be required to transfer his interest therein to the Government and for this purpose he shall execute the necessary documents and bear all the expenses therefor.

(4) The surrender of land in lieu of payment of betterment contribution shall not be accepted in the following cases:-

(i) Wherein the 'Telangana area', the total area of the land in the ownership of the person desiring to surrender the land does not exceed a basic holding as determined under the Hyderabad Tenancy and Agricultural lands Act, 1950 (Hyderabad Act XXI of 1950) of the local area concerned;

(ii) Where the land proposed to be sufrendered is of an inconvenient size or shape or is situated in an inconvenient location;

(iii) Where, in the opinion of the Collector, the title of the land is not from from doubt;

(iv) Where, in the opinion of the Collector, the land is not free from encumbrances; and

(v) Where, the land proposed to be surrendered is an unenfranchised inam land, or the person desiring to surrender the land is otherwise incompetent to alienate it.

(5) For purposes of determining the value of the land proposed to be surrendered under sub-section (3) of section 11, the prices realised by the sale on similar lands in the neighbourhood shall be taken into consideration".

13. Every owner of land referred to in section 3-A (1) shall express his willingness in writing by executing a deed in Form VI agreeing to make such advance betterment contribution towards the construction, expansion or alteration of the work specified therein, as may be fixed under section 3-A read with section 4.

14. (1) The Schedme referred to in sub-section (1) of section 3-A shall be in Form VII and shall be published in the District Gazette and if no such Gazette is published in the district then in the

Andhra Pradesh Gazette and also in the manner specified in clauses (i) to (iii) of sub-rule (1) of rule 7.

(2) The scheme published under sub-section (1) of section 3-A shall, besides specifying the lands under the commandable ayacut of the work and the approximate amount of advance contribution payable for each class of such lands, contain particulars of the survey numbers, classification and approximate extents of all such lands.

(3) The period of time within which the owners of lands shall be required under sub-section (1) of section 3-A to express their willingness in Form VI to make the advance contribution shall be forty five days from the date of publication of the scheme in the village.

(4) The owners of lands who have failed to pay any instalment of advance contribution within the time specified therefor shall be directed by an order under sub-section (3) of section 3-A in Form VIII to pay it, within a period of two months from the date of service of such order.

A P P E N D I X

FORM-I

Notification under section 3 B of Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955.

....

It is hereby notified that the Construction / expansion / Alteration of the work described below situated in the village of ....in the taluk of .....in the district of.....was commenced on.....(date) and completed on .....

1. Description of t e work (or any part or stage thereon).

FORM-II

Notice under sub-section (1) of section 5 of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955.

.....

Notice is hereby given that the undermentioned lands which are benefited by the work specified below are liable for the payment of betterment contribution under section 3 or advance Betterment Contribution under Section 3-A of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution Act, 1955 (Andhra Act XXV of 1955). All persons interested in the said lands may submit their objections if any, in writing, to the Inquiring Officer (here enter the designation of the Inquiring Officer) or may appear before him either personally or by agent and state their objections within forty days of the publication of this notice.

1. Name of the work.
2. Situation of the lands

District
Taluk
Village

S.No.	Extent in acres.	Classification.

Notice under sub-section (2) of section 5 of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955.

To

.....

.....

Take notice that the undermentioned lands which are benefited by the work specified below are liable for the payment of betterment contribution/advance betterment contribution under the Andhra Irrigation (Levy of Betterment Contribution) Act, 1955 (Act No.XXV of 1955). You may submit your objections, if any, in writing to the Inquiring Officer (here enter the designation of the Inquiring Officer) or appear before him either personally or by agent and state your objections on or before.....(date)*

Particulars of Land

1. Description of the work
2. Situation of the lands. District
   Taluk
   Village

S.No.	Extent in acres	Classification
1.	2.	3.

District Collector or any other Officer authorised by the District Collector in this behalf.

*The date will be the 45th day commencing from the date of publication of the notice in form II.

FORM -IV

Notice under section 10 of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contributio Act, 1955.

....

Take notice that your land/lands, particulars of which are given below is/are assessed to betterment contribution as shown hereunder. The amount should be paid in Twenty annual instalments,

the first instalment being payable on day of 19 Subsequent instalments should be paid at successive intervals of one year from the date of specified above. The amount of each instalment shall be.....inclusive of interest.

If you pay the entire amount of betterment contribution in a lumpsum on or before the date on which the first instalments is payable, you will be entitled to a rebate of ten percent calculated on the amount of betterment contribution payable by you.

If on any date within a period of two years after the first instalment is payable, you pay in a lumpsum the entire amount of betterment contribution outstanding against you on that date, you will be entitled to a rebate of ten percent calculated on such outstanding amount. If, however, you have not already paid the amount of instalment or instalments payable by you before the above mentioned date the amount of instalment or instalments shall be deducted from the lumpsum payable by you and the rebate shall be calculated only on the balance.

If you wish to surrender any land to the Government instead of making a lumpsum payment in cash you may make an application to the District Collector in this behalf specifying the situation, description and extent of the lands which you so wish to surrender.

NAME OF THE WORK (or part of stage thereof):-

Survey No./Nos. or other particulars of the land.	Extent	Amount of betterment contribution fixed.	Amount of contribution if, any, previously paid to the Government.	Balance of Betterment Contribution payable.	REMARKS
(1)	(2)	(3)	(4)	(5)	(6)

Place:
Dated

(Designation of the Officer issuing the notice of demand)

FORM-V

Notice under sub-rule (2) of rule 12 of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Rules, 1956.

.....

Notice is hereby given that the undermentioned lands are proposed to be surrendered to the Government under sub-section (3) of section 11 of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955 (Andhra Act, XXV of 1955), by Sri....., in lieu of the betterment contribution payable by him under the said Act. All persons interested in the said lands may submit their objections, if any, in writing to the .....(here enter the designation of the officer issuing the notice), or may appear before him either personally or by agent and state the object ons within thirty days of the publication of this notice.

District:
Taluk:
Village:

Survey No. (1)	Extent in acres (2)	Classification (3)

Date:

District Collector of the
Officer authorised by him
in this behalf.

FORM - VI

(AGREEMENT TO PAY ADVANCE BETTERMENT CONTRIBUTION)

(Section 3-A of Act XXV of 1955 as amended).

Whereas the Government of Andhra Pradesh have prepared a scheme for construction / Expansion / alteration of the work, namely.....

at.....village.....taluk.....District, at an estimated cost exceeding ten lakhs of rupees and proposed to implement the scheme on payment of advance betterment contribution as provided for under section 3-A of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955 by the owners of the lands within the commendable ayacut of the work;

And where as the Government have published at page .... of the Andhra Pradesh Gazette and at page ..... of the District Gazette of ..... the said scheme in accordance with the provisions of section 3-A of the said Act calling upon the owners of lands within the commandable ayacut of the work to express their willingness in writing before..... to make the advance betterment contribution towards such work;

I.....son/wife .....of.....village .....taluk.....district, owners of the lands specified in the Schedule below and situated within the commandable ayacut of the said work, do hereby agree to pay to the Government in accordance with the provisions of the said Act such advance betterment contribution as may be fixed under section 3-A read with section 4 of the said Act, in one lumpsum/six/four instalments.

SCHEDULE

Taluk:-

Particulars of Ayacut lands.			Bounded on			
Survey Number	Wet or Dry.	Extent Act.	North by	East by	South by	West by

In witness whereof I have hereunto set my hand this..... day of.....19

Witnesses:-

1.
2.

Signature of owner of land.

FORM - VII

Scheme under sub-section (1) of section 3-A of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955.

....

Whereas the Government of Andhra Pradesh have prepared a scheme for construction / expansion / alteration of the work,

namely..... at.....

village..... taluk.....

district at an estimated cost exceeding ten lakhs of rupees, and propose to implement the scheme on payment of advance betterment contribution at the approximate rates specified below for each class of lands:

Class of land	Approximate rate per acre Rs.
(i) Existing wet lands.	
(ii) Tirvajasthi lands or dry lands under irrigation.	
(iii) Dry lands.	

Notice is hereby given to all the owners of the lands specified in the Schedule below and situate within the commandable ayacut of the said work that they are required to express their willingness in writing in Form-VI appended to the rules within forty-five days from the date of publication of the scheme in the village, to make advance betterment contribution towards such work.

SCHEDULE

District
Taluk
Village

Survey Number	Classification (Dry or wet)	Extent
(1)	(2)	(3)

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FORM - VIII

Order under sub-section (3) of section 3-A of the Andhra Pradesh Irrigation (Levy of Betterment Contribution and Advance Betterment Contribution) Act, 1955.

.....

WHEREAS you land/lands, particulars of which are given below are assessed to advance betterment contribution ofRs.....

.....

And whereas you have failed to pay Rs..... being the.....instalment of advance betterment contribution within the time specified by the District Collector in his order under section 6;

You are hereby directed to pay Rs.....being the .....instalment of advance betterment contribution within two months from the date of service of this order.

Particulars of land

Taluk:

Village:

Survey Number	Wet or Dry	Extent Ac.
(1)	(2)	(3)

District Collector
or Officer authorised by
District Collector.

.....